

IMPERIAL ADVISORY COUNCIL.

The successive stages of the prolonged discussions which resulted in the proposals published in August last are described in the following papers:—

My note of 24th September 1906 and the papers of 1876 referred to therein.

Report of Councils Committee, paragraphs 2-17.

Notes leading up to our Despatch of 21st March 1907.

Paragraphs 9-12 of that Despatch.

Paragraphs 7-16 of Secretary of State's Despatch of 17th May 1907 and the notes on that Despatch.

Report of Councils Committee, Part I, pages 106-119.

Report of Councils Committee, Part II, pages 34-42.

Report of Councils Committee, Part II, pages 121-125.

Reforms in the Indian Councils, Vol III pages 1-32.

See also Summary, pages 33-36 and points for decision by Council, page 68.

Vol. II, page 24.

The scheme of a Council of Princes put forward in our Despatch of 21st March 1907 was based mainly on Honourable Mr. Baker's note of 25th February 1907. It was developed by the Secretary of State in his Despatch of 17th May 1907 into a form which was not free from obscurity and which (as the notes show) gave rise to some discussion. The proposal eventually published was the outcome of the deliberations of two Committees at the India Office, a large one at which Lord Morley presided and a small one, consisting of Sir William Lee-Warner, Sir Charles Lyall, and myself, which was appointed to revise the draft letter to local Governments in the sense of the conclusions arrived at by the main Committee. The draft prepared by the small Committee was sent to the Government of India, and paragraphs 4 and 5 dealing with the question of an Imperial Advisory Council were accepted by them without any material alteration.

2. The opinions of local Governments are summarised on pages 3-6 of the précis in large print. The general remarks on pages 1 and 2 should also be read. The views of Madras are wholly adverse to the scheme; Bombay cordially agree with the principle involved but demur to the combination of chiefs and territorial magnates, and suggest an Advisory Council of ruling chiefs for consultation on questions affecting them alone; Bengal proposes a Council, half of which would be composed of great landlords, while the other half would be equally divided between ruling chiefs and representatives of Commerce and Industry and the learned professions; the United Provinces suggests a Council comprising 20 ruling chiefs, 25 territorial magnates, and 15 persons selected for general eminence. The Punjab official opinion has not yet reached us, but in a note which has been sent to me demi-officially Sir Louis Dane says that most of the important chiefs are entirely opposed to the idea of a mixed Council, that some of the best chiefs would be excluded by difficulties about language, and that it is undesirable to allow the chiefs too direct a voice in the affairs of British India. Burma approves generally of the scheme and makes suggestions as to the representation of Europeans and Eurasians and the inclusion of Shan chiefs and Burmans of good position. Eastern Bengal and Assam accepts the proposal and mentions the provincial interests which should be represented on the Council. The Central Provinces report has not yet come in.

3. The non-official opinions sent up by the local Governments or received direct are analysed in the first section of the précis for each province. The principle of associating ruling chiefs and territorial magnates with the Government of India in the guardianship of common and Imperial interests has been for the most part received with rather conventional approval as an indication of the benevolent intentions of Government, but nearly all the leading features of the proposed Council are condemned on various grounds. It is said, for example, as regards the ruling chiefs—

- (1) That they will not sit with subjects of the British Government, who are necessarily of inferior status to chiefs whose relations to the paramount power are regulated by treaty;

- (2) That they have no knowledge of the conditions of British India, and would be useless for the purpose of diffusing information and interpreting to the people measures by which they will not themselves be affected.
- (3) That they will not give independent opinions, but will offer such advice as they think likely to be acceptable.
- (4) That if they supported Government they would be abused by the press and their prestige with their subjects impaired.
- (5) That there is a danger of their being drawn into "the vortex of modern political agitation" and of a discontented chief playing into the hands of the press.

The territorial magnates are even more roughly handled. We are assured—

- (1) That their influence has been obliterated by British rule.
- (2) That they are out of touch with the people, and are a selfish class whose interests are adverse to those of the great body of agriculturists.
- (3) That they are not sufficiently educated to be of any use as advisers.
- (4) That many of them are unable to manage their own affairs and that a number of Acts have been passed to save them from their own incompetence.

No doubt much of this criticism emanates from the educated classes, who are very indignant at their exclusion from the Council, and tax Government with ignoring not only the best intellect of the country but also the leaders of the industrial movement now in progress. But it receives a substantial amount of support from official sources. On the other side Sir John Hewett thinks that ruling chiefs will be shrewd and competent advisers on matters connected with the administration of British India, and the Bombay Commissioners speak in similar, if rather more guarded, terms of the capacity of the modern Indian ruler, who has been trained in a special college and has travelled both in India and Europe.

4. Apart from the qualifications of its personnel, the proposed Council is attacked on the grounds—

- (1) That it would have no legal recognition and no formal powers.
- (2) That the Government would be under no obligation to consult it or to be guided by its advice. This leads up to the suggestion that if two-thirds or three-fourths of the Council are opposed to a particular measure, the Government should be bound to defer for a specified time or to abandon it altogether.
- (3) That its proceedings would be secret and that Government would have discretion to publish or not to publish them as it thought fit.
- (4) That the views of a nominated Council would command no respect if they were in conflict with those of the elected members of the Legislative Council, while if the two bodies concurred in opposing the Government the difficulties of the situation would be increased.
- (5) That the expense of assembling the Council would be considerable and could not fairly be charged either on the tax-payers of British India or on those of the Native States.

The first four of these objections rest, as Sir John Hewett has pointed out, upon a misapprehension of the position of an Advisory Council. The last will require consideration if a large Council is to be established.

5. I now turn to the really decisive factor in the question, the opinions of the ruling chiefs themselves. These are analysed in Mr. Butler's note in the Foreign Department file,

That note appears to me to establish the following propositions :—

- (1) *That some kind of Imperial Advisory Council for the purpose of collective consultation must be established.*—To drop the scheme entirely now and fall back upon the appointment of individual counsellors to be consulted by letter or through political officers somewhat on the lines of the abortive scheme of 1877 would cause general disappointment and would expose the Government to much attack and some ridicule. It would, moreover, accelerate the danger, which was foreseen in 1876 and 1877, "of combination among the Chiefs of India which might be antagonistic to British interests". Such a combination seems already to be growing up among the new-fashioned Chiefs "who are now in correspondence about their grievances." Further evidence to the same effect is furnished by Sir Francis Young-
husband's demi-official letter of 9th May. In connexion with this point I would draw attention to the suggestion of the Bombay Presidency Association for the formation of an independent Council of Chiefs, deriving its authority, not from appointment by the Viceroy, but partly from status and partly from election, for the purpose of dealing with "questions defining the relations of Native States to the Paramount Power, and questions relating to succession and adoption and co-operation in the defence of the Indian Empire." There can be little doubt that this proposal emanated from Sir Pherozeshah Mehta, the President of the Association, who has for years past had a lucrative practice among the Bombay States as their adviser and advocate in their disputes with the local Government. If the Government of India abandon their own proposals and form no determinate body to represent the Chiefs, it is possible that some Chief of the modern type will join hands with Sir Pherozeshah Mehta and that an agitation will be set on foot for a Council of the kind proposed by him. That would be in entire accord with the views held by the Gaikwar of Baroda and the Thakur of Gondal; both of whom compare their status with that of the confederated states of the German Empire.

Vol. I, page 125.
Vol. II, page 40.

Foreign Department
notes, page 91.

Bombay précis,
page 6.

Paragraph 12 of
my note of 21st Sep-
tember 1905.
Vol. I, page 110.

- (2) *That the council should consist of Ruling Chiefs only.*—This is the deliberate opinion of Bombay and the Punjab and is more or less indicated by the Madras letter; and it represents the view of the best considered non-official opinions, and of the majority of the Chiefs mentioned in paragraphs 9 and 10 of Mr. Butler's note. The same conclusion appears to me to follow inevitably from a consideration of the subjects which the Imperial Advisory Council as proposed by us would have to discuss. Those subjects may be divided into three classes—

- (a) Questions affecting the Chiefs alone, such as Imperial Service Troops. Here the territorial magnates can obviously have nothing to say and their intervention would cause resentment among the Chiefs. The subject could only be dealt with by the rather clumsy expedient of forming all the Chiefs into a Committee * and then excluding their report from discussion by the entire Council.
- (b) Questions affecting both the Chiefs and some branch of the administration of British India. A good instance is the proposal that a diploma granted by a Chief's College to one of its students should be recognised as entitling the holder to appear at an examination held by a British Indian University. This is a clear case for a larger range of consultation but the territorial magnates would not be in a position to give advice of much value. The matter is one for experts and I suggest that if the Council were composed of Chiefs only, nothing would be more natural than for the Viceroy to invite the Vice-Chancellors of the Universities to attend the Council and discuss

* Vide last sen-
tence of paragraph 4
of our letter of 24th
August, 1907.

the subject *not as members* but as expert advisers. That would please the Vice-Chancellors; it would not, so far as I can see, ruffle the dignity of the Chiefs and it would probably result in the diploma being recognised by the Universities without any acrimonious discussion in the Serates. The method might be applied to other questions involving common interests.

- (c) Questions affecting British India only. With these the Chiefs as such have no concern. They will not be affected by the measures under discussion, and they do not as a class know enough about the administration of British India to be competent advisers. If they sided with the Government on any question of importance their right to intervene would be vigorously challenged and they themselves would be bitterly attacked by the native press. If, on the other hand, they took the popular view their opinions would be liable to be given more weight than they deserve—a danger worth bearing in mind. A Ruling Chief playing to a British Indian and Parliamentary gallery might be a source of much embarrassment, the more so if, like the Gaikwar of Baroda, he affected to have realised in his own State the ideals set up by the advanced party in British India. Moreover, any attempt to make the Council a determining factor in settling British Indian questions would be justly resented by the local Governments who are the constitutional advisers of the Government of India in such matters and who have to carry out whatever decision may be arrived at. They will say with reason that the Chiefs have no right to advise at all and that the territorial magnates have already given their advice as members of the Provincial Advisory Council.
- (3) *That the Council should be created in the exercise of the prerogative which entitles the Sovereign, and the Viceroy as his representative, to choose his own advisers.* This sweeps away all the suggestions, of which the papers are full, as to legal recognition, statutory powers, election of the whole or a part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion and so forth. It puts the scheme on its proper footing and leaves it to develop, in the words of the Councils Committee, "by the natural process of growth by which all successful political institutions have come into existence."
- (4) *That it should be a comparatively small body.* Mr. Butler's No. 1. This is a necessary consequence of the exclusion of territorial magnates and the limitation of the range of discussion to subjects affecting the Chiefs. Mr. Butler suggests 20 or 25. My own feeling is in favour of a smaller number, say 15 or 20, or perhaps rather fewer at starting. The difference is not very material and the Foreign Secretary may have reasons for putting the number rather higher than I am disposed to do. In fact, when I was preparing the draft letter in London I arrived at the number twenty by counting up the Chiefs who could not well be left out. I observe that Mr. Butler contemplates the election of Committees to consider particular subjects and report to the Council on them. Possibly a Council of 15 would be too small for this purpose. On the other hand, there may be something to be said for beginning with a small body of very leading Chiefs and devoting the first session to discussing with them in full conclave the possible lines of future development.
- (5) *That the Council should meet once a year at a place to be fixed by His Excellency the Viceroy.* Mr. Butler's No. 3.
- (6) *That it should consist exclusively of Chiefs under the Government of India and should only consider matters connected with Native States under the Government of India referred to it by His Excellency*

the Viceroy; but any member should have power at any time to ask that a question be referred to the Council. Mr. Butler's Nos. 2 and 4. I presume that the power of proposing questions for reference will also be limited to matters affecting States under the Government of India. It would hardly do to have some question about a Bombay State brought up in the Imperial Council.

- (7) *That on the day of meeting His Excellency the Viceroy as President, should formally open the Council, with or without a speech, and the Council would then elect committees to consider, in communication with the officers of Government concerned, the various matters referred to them. The Foreign Secretary, or some political officer, should preside at these committees but of course have no vote.* Mr. Butler's No. 5.

The presiding officer would, I understand, act as a sort of speaker "so that the Government of India may be fully advised and the discussions kept within limits." He would also furnish any necessary information regarding the subject under discussion. If it were thought "desirable to dissociate the Government of India from direction a political officer would preside and the Foreign Secretary would attend." It is important that His Excellency the Viceroy and Honourable Members should not have anything to do with the work in committee which will sometimes be highly controversial." The position of the president of the committees as a necessary part of the machinery of discussion would of course be made clear to the chiefs. I presume there would be no formal "election" of the members of Committees, but that His Excellency would settle in informal discussion with the council who should serve upon each.

Para 18 of Mr. Butler's note.

- (8) *That the Committees should report to the Council at which the Viceroy would preside.* Mr. Butler's No. 6.
- (9) *That the proceedings of the committees should be confidential and that the Viceroy should decide whether the proceedings of the Council should be published.* Mr. Butler's No. 7.

If publishing the proceedings of the Council means that the views of individual members are to be published, and that there is to be a report similar to that which appears in the case of the Legislative Councils, I confess that I have doubts as to the expediency of the proposal. In speaking to me on the subject in Calcutta the Maharaja of Darbhanga expressed a doubt whether in any case the members of these advisory Councils would be willing to give their real opinions even in the presence of their colleagues and intimated his own preference for private discussion with the head of the Government. That perhaps is an extreme statement of the case coloured by the speaker's idiosyncrasy. But there is a good deal of experience, both in India and elsewhere which goes to show that the prospect of publicity does not conduce to frankness of expression. Sir Henry Maine has somewhere laid stress upon this, and when I was a member of the Bengal Legislative Council I often noticed the difference between an elected member's remarks in Select Committee and his utterances in the public debate. The same point is taken by Sir Francis Younghusband in his demi-official letter of 9th May. I suggest that the practice should be, at any rate in the beginning, to publish, not the entire proceedings, but a statement of the subjects discussed and the conclusions arrived at with as much of the reasons as is necessary to elucidate and justify the decisions. There would probably be little difficulty in drawing up a statement which would be concurred in by the Council. This is very much what is suggested by the South Indian Landholders' Association, Madura, and by the general opinion in Malabar.

Madras précis, pages 2 and 8.

6. I may add that, so far as the Imperial Council is concerned, we seem to have travelled back, by a circuitous route and after many digressions, to the original proposal for a Council of Princes with which His Excellency initiated these discussions in his minute of 15th August 1906.

H. H. RISLEY.

11th June 1908.

The really decisive factor is the opinions of the ruling chiefs themselves. From these opinions it is quite clear, and I need not elaborate the point, that the Imperial Advisory Council must consist of ruling chiefs only.

It follows that the council cannot be the large political factor that we contemplated when it was proposed to associate ruling chiefs with territorial magnates. The deliberations of a council of ruling chiefs alone must be concerned almost entirely with matters that relate to native states alone. There may be a few questions affecting both native states and the administration of British India which they can properly consider. But questions affecting British India alone would be entirely beyond the sphere of such a council.

It also follows that the council must be created in the exercise of the prerogative which entitles the Viceroy to choose his own advisers. There is no need of legal recognition, and there can be no question of election or statutory powers.

I would accept Mr. Butler's suggestions that the council should consist exclusively of chiefs under the Government of India and that its number should be from 20 to 25.

The important question that does not seem to have been yet fully discussed is how the council is to act. The suggestion in the Foreign Department is that it should meet once a year at a place to be fixed by the Viceroy. It must be noted, however, that the old-fashioned chiefs, such as the Nizam and Udaipur, dislike the idea of collective consultation, and apparently Mysore and Jodhpur have the same opinion. It will be rather unfortunate if we decide on an annual meeting and then find that the highest of the native chiefs will decline to attend. One important point that has not yet been considered at all is the expense of assembling the council. I presume that the expense will be an Imperial charge and that it will be paid by the tax-payers of British India. I have not the remotest idea what the expense of assembling 20 to 25 of the highest native chiefs in India will be. But the question cannot be ignored and the Foreign Department will no doubt be able to give an estimate. I do not think that it would be possible to assemble these chiefs at Simla or Calcutta and the meeting will probably have to be at some such place as Agra. I should think that it could not be done without a considerable amount of show, involving a huge camp such as we had at Agra when the Amir visited India. What is this likely to cost? We may be sure that the first result will be questions in the Legislative Council as to the cost, and protests against the cost being paid by the Indian taxpayer, who will receive little benefit from the deliberations of native chiefs on matters relating to native states. Another matter to be considered is the convenience of His Excellency the Viceroy. Can we properly publish the intention of holding an annual meeting and thus tie down the present and future Viceroys to the inconvenience of spending a week every year in Agra discussing matters that probably may be of trivial importance? It seems to me that on account of both expense and inconvenience, this is going too far. I think that as we are now compelled to restrict the Imperial Advisory Council to chiefs alone, the proper method will be to inaugurate it by a collective meeting, and thereafter to conduct the ordinary business by correspondence and to reserve future collective meetings for special occasions when there is business of the highest importance to discuss.

The Foreign Department will have to be consulted again on these issues before we can proceed further.

H. A. [DAMSON],—17-6-08.

Foreign Department.

MEMORANDUM.

In considering the question of a council of chiefs a doubt arises as to the subjects that could be put before them for discussion. In the notes before us this is treated somewhat vaguely.

In order to test the matter I should be obliged if Foreign Office would tell us what exact subjects they would be prepared to put forward for discussion before a council of chiefs at a meeting to be held (say) next November.

This information would enable us to form a better opinion as to the probable utility of such a council.

H. E. R. [RICHARDS],—29-6-08.

Demi-official, dated Simla, the 30th June 1908.

From—S. H. BUTLER, Esq., C.I.E., Secretary to the Government of India, Foreign Department,

To—SIR HERBERT RISLEY, K.C.I.E., C.S.I.

I return the file. I understand that if there is to be only a council of chiefs, details will be left to the Foreign Department to settle.

G. C. B. P., Simla.—No C-71 H D.—15-9-08-80. H. A. W.

FOREIGN DEPARTMENT.

NOTES.

OPINIONS OF NATIVE CHIEFS AND LEADING ZEMINDARS ON THE PROPOSED ADVISORY COUNCILS.

The policy embodied in the proposal to create an Imperial Advisory Council was to "associate the great ruling Chiefs and the territorial magnates of British India with the Governor-General in the guardianship of common and Imperial interests" and especially to correct erroneous and mischievous impressions as to the measures and motives of Government (paragraphs 4 and 3 of Sir Harold Stuart's letter of the 24th August 1907).

2. Many ruling Chiefs have been consulted by letter; and I have discussed the question personally with Baroda, Jodhpur, Bikaner, Jaipur, Alwar, Kishengarh, Udaipur, and Kotah; also with His Excellency the Governor of Bombay, the Hon'ble Mr. Colvin, Mr. Claude Hill, Mr. Cobb, Colonel Meade, Colonel Herbert, Majors Erskine, Haig, Impey, Pritchard, Peacock and others.

3. The policy of closer association between the Government and the leaders of Indian opinion is generally approved. But the particular proposal comes in for a good deal of criticism.

4. I would invite attention *in limine* to the opinions of two very able Political Officers. The references in brackets are to pages of the Sir Francis Younghusband (pages 1-4) and Mr. replies from Local Governments and Political Officers. Bailey (33). While approving generally Sir Francis Younghusband draws attention to the prominent traits in our Chiefs, *viz.*, their intense vanity and their intense respect for power. There is risk, he thinks, that if the latter is weakened the former will assert itself. We must not spoil the Chiefs. They should not be encouraged to think themselves the advisers of the Viceroy. Only selected Chiefs should be put on the Council, and they should act mainly as intermediaries in explaining the acts of Government to the people. By selection for merit emulation will be set up and the administration of Native States will be improved.

Mr. Bayly, in somewhat similar strains, questions the possibility of assembling many Chiefs fit to give advice and quotes an officer of great experience who says—"We all know what Native State rule is and why we should invite rulers, whose misgovernment has kept the Foreign Office and Political Officers pretty busy for years, to advise us on our own internal administration, I really don't know." Retired Anglo-Indian officials lose their heads and play to the gallery and the press, and many Chiefs would do the same. "To let certain Chiefs meet occasionally and informally to discuss questions like Imperial Service Troops or famine and plague administration in Native States might be a good thing, but I would not encourage them to discuss matters of general political interest." He favours individual consultation by letter or through Political Officers.

5. Due weight must be attached to the opinions of these able and experienced officers; but if their opinions were accepted in full nothing would be done at all, and after the discussion that has taken place surely something must be done. Moreover, their opinions are tinged with the idea that efficient administration in British India does not stand in need of political props, which is just the idea that the proposed reforms are designed to correct. And it has to be remembered that the Chiefs, like other institutions in India, are undergoing change. There are in fact two kinds of Chiefs—the old-fashioned and the new-fashioned. At the present moment the former predominate in numbers, but I should doubt whether they predominate in influence. Most of them are in the hands of Dewans who hold as advanced views as they can. And the new-fashioned Chiefs are gaining ground steadily. We have heard lately that the Gaekwar is influencing Mysore. And Scindia is a very evident power in Rajputana as well as in Central India. No one who has visited the Mayo College, Ajmer, lately, or has read these opinions (many of which are evidently the work of lawyers or Dewans) can doubt that the future lies with the new-fashioned class. Chiefs of this class are beginning to find life dull in their own States, and they are catching something of the imperial spirit. Mr. Bayly's and Sir Francis Younghusband's opinions certainly suggest caution, but I think they are somewhat too suspicious. They ignore the solidarity of interest that is growing up between the Government and all holders of power resting on property and privilege, against a class which is more and more clearly directing its attacks against power, property and privilege. There is already a questioning of authority in Mysore, and the Gaekwar told me in *private* conversation that he sees change in his own people, nothing serious as yet, but change all the same.

6. The opinions and my own personal conversations disclose a general impression that the scheme is put forward in the interests of the Government rather than of the Chiefs and the territorial magnates. There is a suspicion that the Chiefs will be used to pull the chestnuts out of the fire for the Government. There is also a feeling that the Chiefs will be held up to ridicule by the press and the professional politicians, and that the limitations imposed on the Advisory Council will deprive it of all real power and responsibility. There is a consensus of opinion that if anything is to be done it must be a real concession ; that the Government must trust the Advisory Council.

7. The old-fashioned Chiefs such as the Nizam (page 34) and Udaipur (55) dislike the idea of collective consultation. The Nizam is doubtful whether a Council of the kind proposed would foster a source of responsibility : it "would resemble a machine which worked only when wound up and lay still at other times." Udaipur thinks that "the scheme offers few, if any, results which would not be gained without its introduction." Both hint at difficulties of precedence and evidently consider that free discussion can take place only among equals. Seek our opinions by letter, they say in effect, or even appoint some of us to offer advice when we think it necessary, but do not bring us together. The expense will be considerable ; we shall suffer inconvenience and we do not wish to leave our States. Mysore (37) is also of this opinion. Jodhpur (54) thinks the proposal altogether in advance of the time.

8. The Nizam makes a suggestion which may be communicated to the Home Department. "The Government," he says "might make a practice of communicating facts officially to certain selected English and Vernacular newspapers and of contradicting mis-statements and mis-conceptions on the part of the press and the public. It might also give to non-official members of Legislative Councils * * * the right of sending written questions and receiving replies *at all times* whether the Councils are in session or not.

9. On the other hand, the majority of the Chiefs under the Government of India favour collective discussion. None of them would sit in Council with members of the commercial or professional classes ; this indeed was not proposed, but certain remarks in paragraph 2 of Sir Harold Stuart's letter appear to have given currency to the idea. Some Chiefs are averse to association with the territorial magnates and fear reduction in status to a landed aristocracy. Such are Alwar (59) Kishengarh (66). Baroda (29) has a scheme of his own (*vide* paragraph 12 *infra*) and reserves judgment, but sees that Chiefs and land-owners have different interests, and is evidently sensitive as to his position and rights. Scindia has not given a written opinion, but apparently (45) would only admit a few really big men from British India ; Mysore (37) and Sailana (46) take the same view. This is also the view of Jaipur (page 63), who (he told me) had in view as territorial magnates the big Rajput land-owners in British India, who married into Rajputana. Bikaner at the end of his note (62) suggests that a Council of Chiefs only would probably meet the difficulties that some Chiefs would experience in sitting with "commoners." Unqualified acceptance of the proposal is met with only in the opinions, as reported, of Rewa (44), Bhopal (46), Orcha and Charkari (48), Kota, Dholpur and Sirohi (54), and these do not appear to be considered opinions. If the wishes of the Chiefs under the Government of India are to be consulted, we shall have a Council of Chiefs only. This is the view the Bombay Government will take (so Sir George Clarke told me) ; it is the view taken by Mr. Bayly (33), Mr. Colvin (54) and nearly all the Political Officers whom I consulted.

10. The Chiefs under local Governments offer similar opinions. Cooch Behar (11) would have a separate Council of Chiefs or a separate branch of the Advisory Council. Rampur (22) prefers individual consultation. Kapurthala (57) would only have territorial magnates with very large incomes. Cochin (24) is enthusiastic ; Travancore (24) somewhat dubious, in favour of the proposal. Some Bombay Chiefs (27) favour the idea, but I gather that the general sense of the Bombay Chiefs is in favour of a Chief's Council. Jind (49) and Nabha (50) are among the prophets ; and Sirmur and Chamba (42) are minor prophets in favour of the scheme.

11. One thing is certain the Chiefs would not like any interference (by a Council including representatives of British India) in Native States. Kishengarh (66) puts this quite plainly. "The desire to pry into the affairs of Native States may not be encouraged among outsiders." Others hint at it. The majority do not seem to have contemplated the possibility. *Per contra* Burdwan (14) and Tagore (17) think that the Chiefs would not be sufficiently advanced to offer useful advice in matters affecting British India. The Zemindars of Eastern Bengal and Assam are jealous of the Chiefs (39).

12. Baroda (32) has a scheme of his own, *viz.*, a Privy Council of 20 Princes and an equal number of British India representatives with the following powers :—

- (i) Definite consultative power in matters of common interest between British India and the Native States, such as education and famine relief, railways, and telegraphs.
- (ii) Power of interpellation.
- (iii) Right of bringing to the notice of Government matters which call for administrative action or legislation.
- (iv) Similarly it might be provided that, if a substantial majority of them, say two-thirds agree in any view, Government should postpone any measure that might be in contemplation or take in hand a new measure suggested by the majority.

(v) Stated periods should be set for collective deliberation.

(iv) The members to be chosen by election.

Failing this, he suggests an "Auxiliary Council" of ruling Princes only, with definite powers in matters of common and Imperial interest affecting British India and Native States.

At the same time he would extend the autonomous powers of hereditary princes.

Before given a final answer he would be glad to know the attitude of Government to his suggestions. In any event he could not yield to any proposition that compromised his dignity or rights.

13. Sir Andrew Fraser (6) objects to the omission of the educated and professional classes and of representatives of Commerce and Industry. "The scheme will be a blow to, not a satisfaction of, the growing aspirations of the educated among all classes; it would not gain their confidence; and on this account it will be less effective as a bridge over the gulf which seems

*With the spread of education the term "educated class" is fast coming to mean those who have nothing to recommend them except education

The propertied class is now educated in all but the most backward parts of India.

now to separate the rulers and the ruled in India. It is a step forward to enlist the support of those who have a stake in the country; but it would be a retrograde measure to alienate the educated class which we have ourselves created."*

14 It seems to me that there is no scope at present for an Advisory Council of the type proposed.

(i) It would be clearly very difficult to get Chiefs and territorial magnates to sit together.

(ii) If this were arranged, it would be difficult to find work for them to do.

The original intention was to refer such questions as—

(a) Imperial Service Troops.

(b) Military questions affecting Indians: such as the provision of a military career for members of the upper classes of Indian society; the conditions and limitations under which commissions in the army might be given to natives of India; and the creation of a Native Staff College for training Indian officers; should the Government think it advisable to put forward proposals in respect of any of these questions.

(c) Social matters, subject to the same limitation

(d) Chiefs' Colleges.

(e) Educational questions, such as compulsory primary education.

(f) The treatment of plague and other epidemics.

(g) Questions of inland customs and excise.

(h) Posts and telegraphs.

(i) Railway administration.

(j) Mutual service of legal process, and mutual enforcement of warrants and surrender of criminals.

Mr Morley (paragraph 15 of his despatch) would exclude (a), (b) and (c) as unsuitable and would not draw up any list of subjects at all. But it is necessary to have an idea as to what questions could be referred. The opinions indicate that no one would be satisfied with a thin diet. Sir A. Lawley (25) suggests that the Council should be asked to discuss and pass Resolutions on all (a) administrative and (b) legislative measures affecting the whole of India, which the Government may have in contemplation. But how could this be done without over-lapping Legislative Councils or over-riding local Governments?

(iii) It seems difficult to avoid the conclusion that an Imperial Advisory Council which gained any real authority would make for centralisation.

15. There seems a demand and scope for a Council of Chiefs, i.e., Chiefs under the Government of India. One could not include Chiefs under local Governments without creating great difficulties. There are many questions regarding Native States which could well be referred to a Council and which will be raised shortly by Chiefs acting in combination. For it is certain that if we don't have a recognised Council under due control the new-fashioned Chiefs, who are now in close correspondence about their grievances, will combine behind our backs. Later on, this Council might grow into a sort of Advisory Council including members from, and dealing with questions relating to, British India.

16. As regards procedure varying opinions have been expressed. There is, as already stated, a consensus of opinion that the reform must be real and substantial. Nothing else will take root.

(i) Meetings, it is generally agreed, should be once or twice a year.

(ii) Cooch Behar (12), Sir A. Lawley (26), Sailana (48), Bikaner (61), Jaipur (64) would give powers of initiative. Sir F. Younghusband (66) regards this as preposterous in the case of Chiefs, who, in their own States, keep all power in their own hands.

- (iii) Jaipur and Sailana repeat Sir. E. Law's suggestion that a majority of certain size should have power to hold up measures proposed by the Government of India
- (iv) The Begam of Bhopal (46) suggests that if Government does not accept the advice of the Council it should give its reasons.
- (v) Several opinions point out the impossibility of secrecy when so many people are consulted, and Chiefs will consult their advisers. Sir John Hewett (22) represents the best opinion when he says that proceedings should not ordinarily be confidential, but the Government of India should have power to make any matter confidential. Udaipur (56) suggests that no one's opinion should be published without his consent.
- (vi) Jaipur suggests a standing committee.

17. If there is to be a Council of Chiefs, and if it is to have a constitution, I would suggest tentatively the following :—

- (1) Its numbers might be limited to 20 or 25 ;
- (2) It should consist only of Chiefs under the Government of India ;
- (3) It should meet once a year at a place to be fixed by His Excellency the Viceroy ;
- (4) It should only consider matters connected with Native States under the Government of India referred to it by His Excellency the Viceroy ; but any member should have power at any time to ask that a question be referred to the Council ;
- (5) On the day of meeting, His Excellency the Viceroy as President should formally open the Council, with or without a speech, and the Council would then elect committees to consider, in communication with the officers of Government concerned, the various matters referred to them. The Foreign Secretary* should preside at these committees, but of course have no vote.
- (6) The committees would then report to the Council at which His Excellency the Viceroy would preside.
- (7) The proceedings of the committees should be confidential. The Viceroy would decide whether the proceedings of the Council should be published.

I would have as few rules as possible to start with and let the thing grow. Indeed, it would seem better to start without any constitution at all as suggested by Sir A. Arundel's committee.

18. It is important that His Excellency the Viceroy and Hon'ble Members should not have anything to do with the work in committee which will some times be highly controversial. It would seem necessary that the Foreign Secretary or some Political Officer should preside at committee meetings, so that the Government of India may be fully advised and the discussions be kept within limits. There might be difficulties as to selecting a Chief as President ; and if Government officers are to meet the Chiefs it would be better that a Government officer should preside.

- 19. Selected individuals might be consulted on matters affecting Imperial interests.
- 20. The case may be circulated.

S. H. BUTLER,—25-4-08.

Dated Camp Gulmarg, the 11th September 1907.

From—MAJOR SIR FRANCIS YOUNGHUSBAND, K.C.I.E., Resident in Kashmir,

To—The Secretary to the Government of India in the Foreign Department.

I was fortunate enough to have an excellent opportunity of ascertaining the opinion of the Maharaja on the subject of Advisory Councils, as the day after I received your letter of 6th September I happened to be driving alone with him in a tonga to the electric works. The conversation came round to the new proposals as published in the newspapers and the Maharaja without any questioning on my part gave his opinion very freely.

As His Highness spoke in English I think His Excellency will gain the best impression of his views if I repeated them in his own words.

The Maharaja said—"I see the Viceroy is going to have a new Advisory Council and put Chiefs on it. This is very good. It is not good that *mean* men should sit on His Excellency's Council. Mean men do mean things. Now there are mean men on the Council and they go about abusing the Government. This is not right, for all on a Council should act in unison. There is that mean Deccani Brahmin, Gokhale, who belongs to a mean family and who sits upon the Viceroy's Council one day and goes about abusing His Excellency the next. This is what might be expected of a mean man, and in my opinion he ought not to have been re-appointed to the Council for a second term of three years, and if the Council is re-constituted I hope he will be turned out. Such men are not fit to sit at the same Council table with the Officiating Emperor. Only Chiefs and noblemen ought to be allowed to sit there, not pleaders and barristers. Pleadors and barristers ought to fill their bellies by working in the Courts and ought to keep to that work—not presume to sit at the Council table with the Viceroy. When such men are allowed to sit for six hours a day with the Viceroy all the people think that they are big men. But they are not big men. The Chiefs are the big men whom the people like to follow. They ought to sit at the Viceroy's table and hear wisdom from him. But they ought not to presume to *advise* the Viceroy, for how could they advise any one so wise. They ought to hear what he has to say and then explain it to their people. If there had been a Council of Chiefs instead of a Council of barristers and pleaders there would not have been all this trouble in Bengal, for the Chiefs could have explained the Viceroy's views to the people and the people would have listened to them".

These are almost the exact words His Highness used and they merely reaffirm what he has more than once said to me on the subject. When His Highness was waiting on the Lahore platform to say good-bye to Sir Charles Rivaz he had a long conversation with the Raja of Nabha on the subject of the latter's son sitting on the Viceroy's Council. The Nabha Chief was expressing fears that his son was imbibing rather dangerous, new-fangled ideas through going to Calcutta and sitting on the Council. But the Kashmir Maharaja stoutly maintained that there would be great advantage to any Chief's son in being able to sit for six hours a day and listen to the wisdom of the Viceroy.

As I understand from your letter that His Excellency merely wishes to ascertain informally how the proposals present themselves at first sight to the Ruling Chiefs, I will not make any observation of my own on what the Maharaja said beyond remarking that he evidently pictures to himself the Advisory Council as being something akin to his own daily durbars in which the high officials of the State are allowed to talk, but must accept, without questioning, any remarks he himself might make. The Maharaja in his turn is evidently quite prepared to accept the position that Chiefs summoned by the Emperor's Representative should accept anything he might say and His Highness probably regards the functions of Members of the Council to be more to convey orders than to offer advice and the advantages to be more to the Chiefs in obtaining access to a fountain of wisdom rather than to the Government in finding new sources of advice.

My own opinions on the subject I will give you in a separate letter.

Dated Kashmir, the 17th September 1907.

From—MAJOR SIR FRANCIS YOUNGHUSBAND, K.C.I.E., Resident in Kashmir,

To—The Secretary to the Government of India in the Foreign Department.

I have in my letter, dated 11th September, given the Maharaja's views on the question of Advisory Councils; and I now, in accordance with His Excellency's wishes, proceed to give my own opinion also.

2. With the general principle of bringing the Chiefs and Nobles of India more prominently to the front in Indian administration I am most heartily in accord. There is a very general feeling abroad that, so far, we have associated with our administration the blatant and loquacious and have disregarded the men of real influence and actual experience of ruling. A move that shows that Government mean to bring into closer contact with them the great natural leaders of the people will therefore be generally welcomed. But the move is not without its risks, and if I point them out somewhat freely I hope His Excellency will understand that I only do so because I presume that this letter, like the one to which it is a reply, will be treated as private and confidential. If it is desired that I should submit my views officially I will put them into more formal shape.

3. I would commence, then, by observing that in considering this matter we have to keep in view two very prominent traits in the character of the Chiefs—their intense vanity and their intense respect for power. No one can get to the bottom of their self-conceit. From their cradle upwards they are surrounded by flatterers and they believe what these flatterers say to an extent which to us appears incredible. I asked a Chief in Rajputana if he was fond of riding. He said he was and that he was the finest rider in the world. I remarked to the Maharaja of Kashmir that he had so much better knowledge of the opinions and feelings of the people than his officials had. He replied that this was only natural, as God had made him Maharaja because of his good deeds in previous existences and because he had therefore *proved* himself to be the most capable man in the country. At the same time with all this vanity they have a remarkable respect for power. I have from a distance seen a Chief in Darbar, on a big native festival, sitting on his *gadi* receiving the salams of his relations and of all the high officials and nobles of the State and not acknowledging a single salam by the lifting of his little finger or even by a glance, but on the contrary, staring vacantly into space as if no human being was visible on the entire horizon. And I have seen this same Chief—one of the biggest in India—on the occasion of the visit of a Viceroy bestir himself all day long for weeks to ensure that in the smallest detail the Viceroy should have every comfort and have seen him on the Viceroy's arrival watching anxiously for a single look or word of approbation. These instances are typical and illustrate both the vanity and the respect for power of the Chiefs. And, as I shall show, we will have to keep up the power which they revel in worshipping, as long as they are certain of it, or else the vanity will bubble over in ridiculous excesses such as we see in the Native Press and in Bengal at the present time.

4. The Chiefs of India have nearly all of them been feudatories and dependants through the whole of their history. The Nizam was simply a Governor of the Moghals. Scindia and Holkar are the descendants of upstart Mahratta adventurers. Even the Rajput Chiefs were for centuries feudatories of the Moghals. They have all been accustomed to render homage to superior authority and at the present day there is none with whom I am acquainted, or of whom I have heard, who does not most fully and amply acknowledge and, I believe, venerate the authority of the British Sovereign. What is more I believe they *like* doing reverence to a power so unmistakeably greater than any of themselves. And I do not think that any of them pine for independence as many Englishmen imagine that they must. As long as the Sovereign Power is big enough and sure enough of itself they feel a certain pride in being associated with it. Nevertheless there is a risk that when admitted to Council this kind of feeling may disappear in some of them and the inherent vanity come to the front. Some of the biggest Chiefs in India are of very low birth. They belong to low castes and as a consequence can only marry low caste wives and so go on breeding future Chiefs of a low type. The Scindias, Holkars, and Gaekwars are of very inferior descent and others are not much better. And from such a danger may come if they get into their heads that they have a *right* to advise the Viceroy. They may go on insensibly to something beyond this, and in the manner of the present day agitators demand impossible degrees of influence and control. In practical dealing with the natives of India every officer feels the necessity of consulting their feelings, prejudices, and opinions, but he finds, time after time, that when they know that they are consulted and that their feelings are being deferred to, they take advantage of this and begin to raise obstacles and objections and to put forward claims and assert for themselves a position out of all reason. They have been accustomed through all their history to authority. They are not accustomed to being consulted or to give advice and if they are too *apparently* and too frequently consulted they get above themselves and cause trouble. Chiefs will not be one whit better than the rest, and it is necessary to beware of this tendency.

5. But while the Chiefs have been accustomed to both exercising and obeying authority they have also been accustomed to accessibility. The typical Chief is very accessible to his ministers and subjects and even the Moghal Emperor had to show himself to the public once a day; and the feudatory Chiefs used to attend his Court for a month or two every year. And it is through this accessibility that they make their influence felt and that the supreme authority keeps in touch with the feelings and sentiments of his people. The mere personal presence in itself produces an intangible little realised influence of the subjects upon the authority which is the oriental method of keeping the touch between the Sovereign and his people that prevents the Sovereign from issuing orders in too great opposition to the will of the people and the people from resenting the commands of the Sovereign. The personal contact of the leaders of the people with the Sovereign authority effects in an informal way what we effect by votes, elections, and parliaments.

6. The greater accessibility of the Viceroy to the Chiefs will be prized very highly by the latter, and, in my opinion, the privilege of sitting on the Council should be treated as a high favour and be made the means of causing that emulation among the Chiefs which is the only really effective method of inducing progress in Native States. And herein will lie the highest advantage, as it seems to me, that the Advisory Council will confer. The number of guns a Chief has is regularly fixed; his position in Darbar is rigidly determined; he has no fear of rivals within his State; he cannot extend his external boundaries; and he gets his K.C.S.I. or his G.C.I.E. almost as a matter of course according to his position. He has therefore very little inducement either from fear or from hope to improve his position. But if among all the Chiefs in India a certain number are *selected* to be on this Council and possess in an especial degree the ear of the Viceroy there will be emulation to be among that number. And if the debauchees and wasters and doubtfully-loyal are rigidly excluded while those who look after their States—even if it is only in an old-fashioned and antiquated way—are given special preference, I believe an immense impetus will be given to Native States Administrations and that the old style Chieftain, who after all is the kind most in touch with the people, will then move slowly forward along true lines of development and the progress which does take place will be natural and not of the forced exotic description of which we have so many examples in India.

7. I attach the very highest importance to this feature of the question. My experience of Native States—in Rajputana and Central India as well as in Kashmir—teaches me that it is only by *emulation* that healthy progress will be made and no better means of causing emulation and of wisely directing the progress which emulation will cause could be devised than by collecting a limited number of the best Chiefs round the Viceroy's Council table and letting them there have opportunities of comparing notes with one another and with Administrators from British Provinces and receiving counsel and encouragement personally from the picked Ruler of the finest race of rulers in the world.

8. It is a magnificent means of drawing these Chiefs out of themselves; of inspiring progress in these backward Native States; and of removing all kinds of horrible mal-practices and mal-administration which we, Political Officers, have either to wink at, or, if we interfere, incur the risk of being accused of petty irritation of the Chief, though we every one of us know in our hearts that if we made public one quarter of the evil practices that go on in every Native State there would be a loud and a very *just* outcry in England at our weakness and pusillanimity in year after year tolerating such evils under British suzerainty.

9. I believe, then, that the proposed Advisory Council will do incalculable benefit in breathing new life into what is already the most loyal part of India—the Native States. All I fear is that we may *spoil* the Chiefs as we have already spoiled the educated classes. They are now really loyal. It would be a sad day for India if any of them took to blatant speechifying in the Gokhale fashion, as they undoubtedly will if we do not determinedly from the start set our faces against it; and it will be a much more serious thing for us if a big Chief—say of the Baroda type—instead of a Banerjee or Bepin Chandra Pal, takes to seditious speaking. Of his own nature no Chief would think of doing such a thing. It is altogether foreign to their modes of thought. But unfortunately they are liable to pick up from *us* moles of action altogether unsuited to India and harmful to it. All the seditious ideas at present permeating India were born not here but in *England*. All their talk about freedom and equality of man and every man being as good as another comes from England, not India. The Indian Chief at present regards loyalty to the Emperor as part of his religion. God he believes—and rightly too—has chosen the British Sovereign to preserve order in India. He believes that this involves great responsibilities on the Sovereign who must deal with the people justly and mercifully. But as far as the Chief is concerned his duty is to obey the commands of the Emperor without question in the comforting belief that if the Emperor had not been fit to rule he would have previously been removed, as Prince Albert Victor was.

10. This is the simple political theory of the ordinary Native Chief. From England other political theories, less well adapted to Indian conditions, are imported, but I believe it to be to the highest interests of the Chiefs and people of India that we, British in India, should help to maintain the Indian theory. I would then avoid anything which would tend to make Chiefs who are selected to the Council think that they are colleagues of the Viceroy; and I would speak as little as possible about seeking their advice. Wind goes to the head of the Native of India—Chief or Sepoy—with fatal facility. I would *seek* their advice and give them every opportunity of expressing their views, for their opinions are exceedingly well worth having, and it is highly important that we should have them. But all this might be done *informally and unostentatiously*. And to avoid *spoiling* them and to prevent them ever thinking or acting after the manner of Gokhale I think it will be necessary to deliberately *discourage* them from getting into their heads that they are by any manner of means *colleagues* of the Viceroy. And I would therefore in practice lay especial stress on paragraph 3 of Sir H. Stuart's letter in which a principal object is said to be making the measures and motives of Government generally understood and correcting erroneous and mischievous statements, and I should make this the principal object. I should in fact instil into them the idea that they are *rather the intermediaries between the Emperor and the Indian people to enforce His Majesty's commands than Advisors*; and that they are there to learn rather than to teach.

11. These views may seem reactionary and unprogressive, but they nevertheless contain the germs of a steady progress much more in consonance with Indian character than more

likely-looking theories of progress hatched in England. They are based on the theory not that all men are equal, for they are not and never will be—but on the theory that all men are *unequal* (which is the theory that every native of India believes), and on the belief that after centuries of hard struggle, of strenuous efforts and of stern discipline what is now on the top is the best. We have the right to assume that we are much fitter than they are to rule in India. They at present fully acknowledge this. And though to those unused to direct intercourse with the Indian people it may seem that imposing and preserving this idea of our superiority may deaden all spirit of progress in the Chiefs, I believe on the contrary that, with an *imitative* people like the Indian, courageously upholding the standard of superiority, which they may be encouraged to copy, is a more effectual stimulant to progress and a far less dangerous expedient than implanting into their minds the idea that they are just as good as we are and may look forward to one day supplanting us. The best of them are undoubtedly superior to mediocrities among ourselves, but are far below our best and as long as we put our best in the Supreme Government of India we are entitled to exact every respect to them and justified in expecting the Chiefs and leading men of India to strive after the standard which we with all our accumulated and varied experience set up, in preference to assuming that they can rule as well as we can ourselves.

12. I have had the advantage of being able to examine the methods of Government of Asiatics by a sovereign power of another Asiatic race—the Government of the Mongols, the Turks and the Tibetans by the Chinese—and I have noted how emphatically the Chinese assert their superiority and how unhesitatingly this is accepted by the subject races, though it is supported by the minimum of force. The most leading men in Lhasa, the head lamas and the members of the Executive Council, are all made to squat on cushions on the ground while the Chinese Resident and his staff sit on chairs and though the Resident through his staff is careful to ascertain the feelings and opinions of the leading Tibetans yet when he has them before him he addresses them, as the representative of the Chinese Emperor, in a manner which leaves no doubt of his own superiority and of his intention that his words must be obeyed and not disputed. I would not recommend that purely Chinese methods should be adopted in India or contend that they have been universally successful in the dependencies of the Chinese empire. But I do contend that over many centuries they have had a remarkable degree of success there; that they have ensured peaceful contentment combined with a slow imitative kind of progress; and that they command respect throughout Asia, and are at least as well adapted to India as purely English ideas of freedom, equality and so on.

13. I believe that in admitting Chiefs to Council a risk is run that some among them who are not natural-born, hereditary Chieftains, but merely descendants of low-born upstarts should become filled out with their own importance and be encouraged by our very anxiety for their welfare to fancy us weak and they themselves important and strong. I think therefore that the importation of a tinge of China into our attitude towards the Imperial Councillors will not be amiss and nip any tendency to that dangerous exuberance which has so often followed the granting of concessions to the natives of India. But once they are assured that they are not, and never will be, and do not merit being colleagues of the Viceroy, but are there to assist His Excellency in any way he may think fit and to *learn* from him and to see his orders carried out among the people, and once they are made to understand that whatever they may say in private and confidential Council they must be in perfect and absolute unison with the Viceroy before the world—they may be encouraged by every manner of means to acquaint the Viceroy with their views, to set forth their prejudices and to tell us when and where the shoe is pinching. They will be at the same time adding to their own individual experience the experience of their brother Chiefs and the experience of those high officers of Government with whom they will presumably have many opportunities of meeting on confidential and intimate terms.

The result can then only be an increased tendency to efficiency in the administration of these appallingly backward Native States and in the tightening of the ties which bind them to what must ever be the Paramount Power.

14. To sum up. My opinion is that the association of Chiefs in the Councils of the Indian Empire will be both a satisfaction and an education to them and should enable the Supreme Government through them to keep in closer touch with the feelings of the people and have their measures carried through with the minimum of risk of offending the people's prejudices. But in my view there are also risks—risks that some Chiefs may become obstacles rather than aids and put forward impossible claims and that their vanity will not many years hence lead them to expect, with the smattering of education and experience of affairs they will have attained, a position, a capacity and a claim for rule which the Englishmen have only attained after centuries of hard buffeting and desperate competition with the most virile and cultured races on the globe—a competition continuing in increasing intensity to the present day and keeping him up to a pitch of efficiency to which no Indian can expect to attain for many a generation yet.

Dated S. S. "Egypt", the 19th September 1907.

From—The HON'BLE MAJOR H. DALY, C.S.I., C.I.E., Agent to the Governor-General in Central India,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

I informed you, before leaving Indore, that the Political Officers concerned had been instructed, in accordance with the terms of your private and confidential letter of the 6th September, to ascertain the views of the Chiefs therein named regarding the proposed "Imperial Advisory Council".

I feel confident that the measure will commend itself to the Chiefs and that the Council should prove of substantial benefit to Government, not only in the directions indicated in the 4th paragraph of the Home Department's letter, but also as a means of assisting Government to acquire at first hand information and opinions regarding current events and questions to which public attention may from time to time be directed. One of the Chiefs named—Rewah—spontaneously suggested to me some time ago that the Government of India possessed in the Native Chiefs a body of potential advisers who might be utilised very much in the manner now indicated. The same idea has, I believe, presented itself to the Maharaja Scindia.

Since I returned to Central India in February 1905, I have instituted periodical meetings of Political Officers, which are held about every six months to discuss any questions of general interest to the Agency. These meetings have proved very useful. The Maharaja Scindia proposed to me last year that it would be well to hold similar meetings which Chiefs might attend. His suggestion was that the Chiefs should give notice of any subjects which they thought might profitably be discussed, and that it should rest with the Agent to the Governor-General to decide what subjects should be admitted for discussion. The possible advantages and disadvantages of such discussions have been debated at one meeting of Political Officers, and I intend to talk the matter over again at our next meeting in November, after which I may be in a position to address you about it. I mention the point here owing to its connection with the general question under consideration and as showing that the idea of a community of interests has presented itself to at least one Chief. It is probably the case that some Chiefs do already consult each other on public questions. It is impossible to prevent this, even if we wished to do so; and it will no doubt be wiser in every way to regularise such exchanges of ideas.

I will ask permission to refrain from further comment till I have seen the views of the Chiefs who are now being consulted.

I am not sure whether it was intended that my remarks should go beyond the Advisory Council; but I may perhaps venture the suggestion that the limitation whereby His Excellency can only nominate a single Chief to the Legislative Council seems to contain an element of possible embarrassment. The inclusion of Chiefs on the Legislative Council appears to me to be highly desirable; but would it not be possible to raise the number to, say, 5, as a minimum. The official majority could apparently still be maintained. His Excellency might then ordinarily select (or arrange for the selection of) one Chief from each of the two great groups in Rajputana and Central India, and three others from the remainder of India. I have no books of reference with me; but I believe that the area of the Native States amounts to over one-third of the Indian Empire and their population to about one-fifth. It is therefore perhaps not unreasonable to suggest a somewhat higher representation.

Dated Darjeeling, the 1st October 1907 (Confidential).

From—The HON'BLE MR. E. A. GAIT, C.I.E., Officiating Chief Secretary to the Government of Bengal,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

In reply to your demi-official letter, dated the 6th September 1907, regarding Imperial and Provincial Advisory Councils, I am desired by the Lieutenant-Governor to forward ten copies of a confidential note, dated the 26th September 1907, which contains the personal opinion of His Honour on the subject. The opinions expressed by His Highness the Maharaja of Cooh Behar and by four of the Territorial Magnates who were consulted, are annexed to this note.

CONFIDENTIAL NOTE ON ADVISORY COUNCILS.

In Sir Louis Dane's demi-official letter of the 6th instant to Mr. Gait it is requested that the opinion of His Highness the Maharaja of Cooch Behar should be obtained in regard to the subject of Imperial and Provincial Advisory Councils. It is also intimated that His Excellency the Viceroy will be glad to receive my personal opinion on the subject in advance of an official opinion on the general questions raised in Sir Harold Stuart's letter No. 2310, dated 24th ultimo. I have obtained confidentially the opinion of—

- (1) His Highness the Maharaja of Cooch Behar,
- (2) The Hon'ble Nawab Asif Kadr Wasif Ali Mirza Bahadur of Murshidabad,
- (3) Maharaja Adhiraj B. C. Mahtab Bahadur of Burdwan,
- (4) The Hon'ble Maharaja Sir Rameswar Singh Bahadur of Darbhanga, and
- (5) Maharaja Sir J. M. Tagore Bahadur.

These opinions are appended to this note in the order given above.

2. To my mind the proposal to have Imperial and Provincial Advisory Councils is an excellent one. It is by no means a new idea, in this respect at least, that there have been many Heads of Local Governments, and even officers of lower position than theirs, who have had within their jurisdiction certain Indian gentlemen whom they habitually consulted in regard to all questions of great importance. These gentlemen have usually been consulted individually, but also sometimes collectively. They have been selected on account of the opinion of their position, intelligence and uprightness held by the officer who desired their advice: and they have been treated by him in a frank and confidential manner in such consultations as he has had with them. It has been found by experience to be an excellent way of getting information on questions of wide influence and importance. It seems to me very desirable that this system should be more formally adopted and more permanently organised.

3. The objects with which some District Officers, Commissioners of Divisions, and Heads of Government have hitherto consulted, in a full and frank manner, Indian gentlemen of position and capable of giving them advice have been twofold: *viz.* :—

- (1) To discuss the question fully with these Indian gentlemen so as to ascertain how it might present itself to the Indian mind, and what difficulties there might be from the Indian point of view in adopting the course which seemed *primâ facie* reasonable, and to obtain suggestions and advice regarding any measure under discussion.
- (2) To explain clearly to those consulted what the object of the measure was, so that they might intelligently follow the course of policy adopted and be able to understand themselves, and explain to others, its real object.

In other words the objects which the Government of India now have before them are precisely the same objects which have influenced officers more or less sporadically to adopt something like the system which it is now proposed to organise.

4. The criticisms which I feel inclined to make in regard to the proposals for Imperial and Provincial Advisory Councils are for the most part contained in the notes submitted by the five gentlemen above referred to. I append to the note copy of my letter of the 13th instant, asking these five gentlemen for their opinion; and from this it will be seen that I drew their attention in detail to the different points to be considered in discussing Sir Harold Stuart's letter. I did not express opinions of my own, but left these gentlemen to express their own views.

5. The first criticism which I have to make is that I do not think that only ruling Chiefs and territorial magnates should be included in the Imperial Advisory Council. Sir Harold Stuart's letter begins with a clear statement of the

advance which education has made of recent years ; and it does not appear to me very logical altogether to omit the direct representation of education from the Imperial Advisory Council. I think that this partly explains the coolness if not disfavour with which this scheme has been received in the Indian Press. The gentlemen whom I have consulted share this feeling. It is true that education will undoubtedly be represented on the Council in the person of some of the Chiefs and territorial magnates who will be members of it. But that will be no representation of the educated classes as such.

6. It is said later on in Sir Harold Stuart's letter that "the Government of India are far from denying that the professional classes are entitled to a share of representation, proportioned not merely to their numbers, which are small, but to their influence, which is large and tends continually to increase". This passage indicates the objection to the proposed constitution of the Imperial Advisory Council which I wish to state. Education should be directly represented. It would be perfectly easy for His Excellency the Viceroy to select in any province in India one or two representatives of the educated and professional classes, whom it would be a great advantage to have on the Imperial Advisory Council, and association with whom would be only honourable to the ruling Chiefs and territorial magnates who are to be members of that Council. I might mention, for example, as a representative both of education and also of the professional class, the present Vice-Chancellor of the University of Calcutta. It will be found that all the gentlemen consulted (except Maharaja Sir Rameshwar Singh of Darbhanga, who only proposes that educated gentlemen should be selected later) are very strongly in favour of some such representation of the educated classes.

7. I am bound to say that unless some clear and definite provision is made in the scheme for the direct representation of the educated classes, it will not be a popular scheme. It will lie with His Excellency the Viceroy to nominate the representatives of this class as well of other classes, but provision ought to be distinctly made for their nomination. If not, the scheme will be a blow to, not a satisfaction of, the growing aspirations of the educated among all classes : it will not gain their confidence ; and on this account it will be less effective as a bridge over the gulf which seems now to separate the rulers and the ruled in India. It is a step forward to enlist the support of those who have a stake in the country ; but it would be a retrograde measure to alienate the educated class which we have ourselves created.

8. I am myself also in sympathy with those who think, as His Highness the Maharaja of Cooch Behar does, that in the Imperial Advisory Council there should be also some representation of commerce and industry. When the Advisory Council is convened as a body, I think it will be decidedly disadvantageous to have the great interests of commerce and industry unrepresented. On account of the practical advantage to be derived from it, I should advocate their representation. I should advocate it also on grounds of policy, and because it is desirable to emphasize in India, at the present time, the necessity for commercial and industrial advancement and the importance of commercial and industrial interests.

9. The next point on which I should like to remark is the method of consulting these bodies. The proposal is to have a determinate body of advisors, who would be consulted individually by the Governor-General, and would occasionally be called together, either in whole or in part, for the purpose of collective deliberation. I do not think that this proposal has been thoroughly understood by all the gentlemen whom I have consulted. The proposal is that the member should be consulted—

- (a) individually,
- (b) as many together as the subject seems to require, or
- (c) all together in certain cases.

This seems to me quite sound ; and it disposes of some of the criticisms which are contained in the notes submitted by the gentlemen consulted.

10. I am strongly in favour of personal consultation and discussion with Indian gentlemen. The remarks of Maharaja Sir Rameshwar Singh of Darbhanga on this point are very interesting. At the same time I also believe very strongly in

the advantages of conference. A circular letter, or separate personal discussion with individuals, may secure the expression of individual opinions; but it prevents the consideration of other opinions; it leaves everybody more ignorant of the advice given, the decision of Government, and the grounds for that decision than he would otherwise have been. The exchange of views and opinions at a meeting is of the greatest importance. In regard to the Imperial Advisory Council there remains the question as to whether the proceedings and results of the collective consultation should not be recorded. I think that, when members of the Council are called together either in one section or the whole body, a record should be kept of the consultation so that His Excellency the Viceroy may have before him at any time a record of the opinions of his Councillors, as they were actually expressed at the time.

11. This need not in any way interfere with the private, informal, and confidential character of the consultation. I quite agree with some of the remarks made by Maharaja J. M. Tagore Bahadur as to the propriety of publication. He points out that, if the opinions are wholly confidential, then—

- (a) no one is aware of the support which the Government may have received from these confidential advisers,
- (b) the mouths of the Councillors are shut and they cannot explain the object of Government, and
- (c) people will be unable to judge of the manner in which the Councillors are exercising their influence.

It is manifest that there is some truth in what the Maharaja Bahadur says; but it is manifest also that there might be considerable danger if his views were adopted. It is intended that the Councillors should frankly advise the Viceroy, not that they should play a part before the public. What is proposed in paragraph 5 (7) of Sir Harold Stuart's letter, namely, that, after confidential discussion it may be advisable to provide for more public conferences, seems to me to meet the difficulty. What I understand by that is that, after there has been confidential discussion the Council may go on, either on the same day or on a future date, to a discussion, the proceedings of which will be made known to the public. I think it is decidedly important to preserve the confidential character of the communications between His Excellency the Viceroy and his Councillors until it has been decided by him, in consultation with them, that their views may be given to the public. I would also strongly support the remarks of Maharaj Adhiraj B. C. Mahtab Bahadur of Burdwan that the wish of any Councillor to have his views regarded as confidential should be respected.

12. Another point which deserves special attention is the sixth clause of the scheme as laid down in paragraph 5 of Sir Harold Stuart's letter, where it is said "that the functions of the Imperial Advisory Council shall be purely Advisory, and that it will deal only with such matters as may be specifically referred to it from time to time". This takes from the Council all power of initiation. It is interpreted by the gentlemen whom I have consulted to mean that individual Councillors, or the Councillors assembled together, may not make any suggestion in regard to any matter which has not been distinctly referred to them by His Excellency the Viceroy. I certainly do not think that this can be the intention. There may be difficulties in the way of allowing the Councillors assembled together by His Excellency's mandate, either in part or in whole, to discuss any question which has not been referred to them; but I do not myself at present see what these difficulties are. I certainly should not provide for the Councillors, or any part of them as such, being assembled for any purpose except by the order of the Viceroy. But I should be inclined to leave the Councillors free to make any suggestions which they may see fit to make, when they are actually assembled by His Excellency's order. As I have said, there may be difficulties in the way of adopting this view; but I do not see them at present. There is, however, a matter in respect of which I have no doubt whatever, namely, that these Councillors should be allowed individually, either by letter to the Viceroy or in interview with His Excellency, to make any representation that they may choose to make, in regard to any question which interests them, whether they are consulted about it or not. Gentlemen of their position have that privilege now; and I do not believe that it was intended at all to deprive them of it.

13. Another point which I may mention as having attracted attention is that, in regard to Provincial Advisory Councils, it is distinctly stated that, when the members of the Council are consulted individually, they are to be consulted by letter and to submit their views in writing. I do not quite understand what is the object of this. It is far more valuable for the Head of a Government to send for a gentleman and talk the matter over with him than to write him a letter asking for his opinion. Even in the present case, where I took some trouble to indicate to the gentlemen whom I have consulted, all the points on which their opinion was desired, and where they are exceptionally intelligent, it will be found that there has been some considerable misapprehension. If it had been possible for me to discuss the matter with them one by one, it would no doubt have been better for me. It may be that the object is, that the opinion of the gentlemen consulted should be properly recorded, especially if it is going to be used afterwards in any reference to the Government of India or otherwise; but that can easily be brought about without excluding personal consultation and discussion, which are ordinarily of far greater value than consultation by letter. I am inclined also to think that it should be distinctly stated that the proceedings of the Provincial Advisory Council, like those of the Imperial Advisory Council, are to be private, informal, and confidential, until it is decided by the Head of the Government, in consultation with the members of the Council, that they may be made public.

14. It will be observed that His Highness the Maharaja of Cooch Behar is doubtful of the expediency of associating ruling Chiefs with the other members of the Imperial or Provincial Advisory Councils. As he said to me, in the course of his discussion of the scheme with me, he does not speak from his own point of view, but rather from the point of view of other Chiefs. He himself has no objection to be associated with any adviser of His Excellency the Viceroy or of the Local Government; but he thinks that there are not a few Chiefs who would object. On the other hand, it will be observed that the Maharaj Adhiraj B. C. Mahtab Bahadur of Burdwan and Maharaja Sir J. M. Tagore Bahadur both think that the ruling Chiefs are out of touch with things affecting the ordinary administration of British India, and would not therefore be profitable members of the Councils. The views of all these critics are entirely met, I think, by the proposal to call together Councillors in sections, with reference to the special nature of the subjects to be discussed. His Highness the Maharaja of Cooch Behar said to me that the Chiefs would not like to see even territorial magnates present at a full Imperial Advisory Council discussing the affairs of their States; but that difficulty would be obviated by the proposal of the Government of India. On the other hand, if the subject is one with which the Feudatory Chiefs have no concern, they need not be invited to the Council. But as the Maharaja of Cooch Behar himself said to me, there is no Feudatory Chief who would object to sit occasionally with the whole Council constituted as His Highness proposes.

15. Subject to the above remarks I entirely approve of the proposal of having these Advisory Councils. I need not emphasise the necessity for the greatest care (especially at the first) in the selection of the members. I think the constitution of the Council should be modified so as to include commerce, industry, and the educated professions, and that the term of office should be a substantial one with eligibility for re-appointment. I believe that if the proceedings are absolutely confidential in the first instance, with publication when that seems expedient to all, that there will be a great deal of advantage from these Councils. The precise conditions under which the proceedings will be confidential or published, as the case may be, ought to be distinctly laid down. I think that individuals should be consulted in any way that the Viceroy or the Head of the Local Government (as the case may be) sees fit; and that the opinion obtained may be placed on record if required. Where Councillors are consulted collectively a record should ordinarily be preserved. In no case should any opinion be published without the consent of the Councillor or Councillors concerned. I earnestly trust that the scheme will meet with all the success we anticipate.

A. H. L. FRASER,

Lieutenant-Governor of Bengal.

DARJEELING, }

The 26th September 1907. }

[Confidential.]

ENCLOSURE I.

MAHARAJA BAHADUR,
NAWAB BAHADUR,

MY DEAR MAHARAJA ADHIRAJ,
MAHARAJA BAHADUR,
MAHARAJA BAHADUR,

The 13th September 1907.

I send you copy of Sir Harold Stuart's letter No. 2310, dated 24th ultimo. I want you kindly to read very carefully the first seven paragraphs of that letter. These deal with an "Imperial Advisory Council" and "Provincial Advisory Councils".

I should like you to give me a brief but clear statement of your opinion on the schemes. You have no doubt been thinking over the matter already; and I should be glad to receive your reply before the end of next week. I am sorry that, owing to my being at Darjeeling, I have not the opportunity of discussing the matter with you personally. I should have liked very much to have talked it over. But if you will let me have a clear expression of your views, it will be of value to me.

You will consider first the "Imperial Advisory Council".

(a) Let me know what you think of its proposed constitution. You will find that discussed in paragraph 4 and stated in paragraph 5 of Sir H. Stuart's letter. There are to be twenty "ruling Chiefs" and the rest are to be "territorial magnates". I should like to know whether you consider this a sound constitution, whether you think any other classes of persons should be added, or whether you have any modifications of any sort to propose.

(b) I should like you also to let me know what you think of the functions of the Advisory Council, especially as to its probable utility. You will see from paragraph 3 of Sir H. Stuart's letter, that it is hoped that the Council will be an interpreter of Government to the people; and you will also see, from paragraph 4, that it is to be consulted by Government in regard to its measures.

(c) I should like you to let me know what you think of the proposals for the proceedings of the Council as contained in paragraph 7. You will observe that the Imperial Councillors may be consulted individually or collectively, either in whole or in part (see the middle of paragraph 4). Paragraph 5 (7) refers only to the consulting of them collectively.

Then I should like you secondly to consider the "Provincial Advisory Councils" in the same way, namely (a) their constitution, (b) their functions, and (c) their proceedings.

You will observe that the Provincial Advisory Councils are to be smaller than the Imperial Advisory Council. They are to consist of the provincial members of the Imperial Advisory Council as a nucleus, together with representatives of smaller landholders, industry, commerce, capital and the professional classes (including non-official Europeans). Their functions are presumably similar to those of the Imperial Advisory Council. They are to be consulted individually by letter collectively in a meeting which will "tender a collective opinion". Apparently, then, in all cases their opinions are to be presented in writing. When consulted individually their answers are to be by letter; when consulted collectively the proceedings are to be recorded by a Secretary to Government. This

* To Maharaja of Cooch Behar it was said, "If your Highness can come to see me any forenoon next week, I shall be glad to talk the matter over with you as well. Please fix your own day and hour."

differs a little from the "private informal and confidential" proceedings of the Imperial Advisory Council. Let me know what you think of all these proposals.

I am,

Yours sincerely,

A. H. L. FRASER.

H. H. the Maharaja Bahadur of Cooch Behar.

Nawab Bahadur of Murshidabad.

Maharaja Adharaj of Burdwan.

„ Bahadur of Durbhanga.

„ „ of Tagore.

[Confidential.]

ENCLOSURE II.

COLINTON,

Darjeeling, the 21st September 1907.

MY DEAR SIR ANDREW,

I am in receipt of your Honour's confidential communication of the 3rd instant enclosing a copy of Sir Harold Stuart's letter No. 2310, dated 24th ultimo.

2. Your Honour has been good enough to ask me to candidly express my views on the proposals made by the Government of India relating to the Imperial and Provincial Advisory Councils. I explained briefly my views to you at a personal interview the day before yesterday; and I now give expression to those opinions more fully.

3. I will first take the Imperial Advisory Council.

(a) In my humble opinion the Imperial Advisory Council should consist of two sections, one composed entirely of ruling Chiefs, and the other of territorial magnates and representatives of commerce, industry, capital, and the professions. In suggesting the inclusion of representatives of commerce, etc., I consider the Council will be more complete and representative, and, therefore, better able to cope with all questions affecting Imperial policy. Of the 60 members which will form the Council, 20 as suggested should be ruling Chiefs; the remaining 40 may be divided as follows: 28 territorial magnates and 12 representatives of commerce, industry, capital and the professions distributed equally.

(b) As regards their functions, I quite agree that they should be purely advisory for the present, but I would suggest certain modifications—

(1) The Council should be called together at least once a year as a collective body. This will afford the Councillors an opportunity of exchanging their views and discussing questions of Imperial interest at least once a year, even if there be no question referred to them by Government.

(2) Their opinions should be recorded and, if considered advisable or necessary by Government, made public.

(3) Dissenting opinions should be recorded, if so desired by the dissenting Councillors.

(4) The ruling Chiefs should meet separately when matters affecting them personally or their States are in question.

I hold that our opinions in a collective form would be of greater value to Government and will carry greater weight with the public.

(e) The proceedings of the Council, when called together for collective consultation, may be private and confidential but not informal, and such proceedings should be always recorded.

4. I also think that any member or body of members of the Council, singly or collectively, should have the privilege of bringing to the notice of Government such matters as they consider of Imperial importance, with a view to their discussion in Council.

5. With reference to the Provincial Advisory Councils, in my opinion ruling Chiefs, as a rule, should not be included. I would also suggest that the Provincial Advisory Councillors be consulted oftener collectively than individually. As I have suggested in the case of the Imperial Advisory Council, the Provincial Advisory Councillors should have the privilege of requesting Government to seek the advice of the Provincial Council in regard to matters of grave importance other than those referred to them.

6. I must thank your honour for the opportunity you have kindly given me of explaining my views on such an important matter. I have no doubt the proposed Councils will be of material assistance to Government and will be the means of maintaining and strengthening that cordial relationship between the rulers and the ruled, which is the aim of Government.

Believe me,

Yours sincerely,

NRIPENDRA NARAIN BHUP.

[Confidential.]

ENCLOSURE III.

TERPSITHEA,

Darjeeling, the 20th September 1907.

MY DEAR FRIEND,

The sealed cover containing your letter of the 13th instant enclosing copy of Sir Harold Stuart's letter No. 2310, dated 24th ultimo, has been redirected to me here from Murshidabad. I am here for a short change, temporary cessation from work having been advised for me after my recent indisposition. I should otherwise have been very glad to have the subject-matter of Sir Harold's letter personally talked over with your Honour. But as it is, the subject being a very important one, I have given it the careful consideration it deserves having already thought over the matter since its publication in the newspapers. I give below, as concisely as I can, my views on the schemes.

2. (I) As regards the Imperial Advisory Council, I am afraid (a) the constitution proposed will not meet all requirements. I do not forget that the main object which underlies the scheme is the giving the people of India wider opportunities of expressing their views on administrative matters. I do not think that 60 ruling chiefs and "territorial magnates," as such, will be sufficient either as exponents of public opinion on administrative measures, as channels for the diffusion of correct information on public matters, for correcting imputations based upon incorrect information, or for free consultation in matters of public importance. To me it seems that the development of the educated classes has made such advances as can in no way be ignored in the formulation of any scheme the real object of which is the taking the people into the confidence of Government for a free and close consultation in matters of common and Imperial interest. Moderate representatives of the educated classes, who have an adequate sense of responsibility and who have proved themselves worthy of the confidence of Government are no less capable of making Government measures and motives more generally known and better understood. I do not for one moment imply that among the ruling chiefs and the "territorial magnates" there are not many who, having taken advantage of the opportunities placed at their disposal and benefiting by the educational advantages, have not qualified themselves to advise Government on matters of importance; but at the same time I think that the claims of the educated classes, the creation of the Government itself, can hardly be overlooked. Shortly, therefore, so far as regards the

constitution of the Advisory Council, I think that of the sixty Imperial Advisors, at least one-sixth, that is, ten, should be representatives of the educated classes, men of approved loyalty and character, of moderate views and unselfish motives. These ten will represent the interests of a variety of departments and branches, and will make the scheme as acceptable as can be expected under existing circumstances.

3. (b) Properly constituted, that is, the best available persons being chosen, there is no reason why the Imperial Advisory Council should not very satisfactorily discharge the functions which the scheme would expect of them. The necessity, however, will be enhanced of getting the best available persons. These being secured, the success of the advisory body seems to be assured. But I should suggest and submit that the functions of the Council should not be merely consultative, but should extend to empower the Councillors to suggest measures and bring to the notice of Government the state of public feeling, public requirements and various other kinds which Government may not otherwise be in a position to know. Such suggestions and information received from persons in actual touch with the people are sure to prove more beneficial to Government than mere advice offered when consulted. Thus constituted with extended function, the utility of the council is sure to be enhanced.

4. (c) As regards the Proceedings of the Council I think that the whole body of the Councillors should be consulted individually or collectively in all questions of imperial and common interest.

5. (II) Then as regard Provincial Advisory Councils my observations regarding the constitution of the Imperial Advisory Council (a) apply equally to them. I think that the educated classes cannot be wholly ignored in consideration of the object with which the councils are proposed to be formed. I do not think the constitutional requirements of the country will be adequately met if the responsible leaders and representatives of the educated society, representing the masses, who, in a country where education has not made such strides and has not yet penetrated into the lower strata, must of necessity, for some time yet at least, be represented by them, were excluded from enjoying the privilege of being the confidential recipients of such information as the Government would give and of being the mouth-pieces of a people who cannot represent themselves otherwise.

6. (b) The function of the Provincial Advisory Council need not prove useless if only the right persons are selected and if they are extended in the line suggested by me in regard to the Imperial Advisory Council.

7. (c) Their proceedings may be by correspondence or personal discussion as the importance or urgency of each particular case will call for. There is no reason why their deliberations should not be private before the result can be put into definite shape for public consideration or criticism.

I remain,

Yours sincerely,

WASIF ALI MIRZA.

[Confidential.]

ENCLOSURE IV.

BIJAY MANZIL, 6, ALIPORE LANE,
Calcutta, the 19th September 1907.

MY DEAR SIR ANDREW FRASER,

Your letter, dated the 13th instant, enclosing a copy of Sir Harold Stuart's circular No. 2310 of the 24th August last to hand.

As desired by your Honour I have carefully read the first seven paragraphs of the letter, and I beg to express my opinion as follows :

Imperial Advisory Council.

1. I think that the proposal of the Government of India is a sound one and the idea should be put into effect and the scheme launched without much delay. The constitution as contained in the letter might be excepted as the basis ; for, I am sure it will undergo some changes as we proceed and as experience reveals itself, specially when we may have to take into consideration any such worthy criticism or proposals as might appear hereafter.

2. At the very outset, however, I desire to say that in the 24th and 25th lines of paragraph 4 of the letter it contains the following words " and possessing in themselves no formal powers of initiation". This of course means that whenever the Government will desire to consult the Council the Councillors will give their advice, but they will not be entitled to prefer any advice, by taking an initiative or any subject that is not referred to them, even, if any such matter in their opinion be one on which they as advisers consider the measure to be too strong or weak, improper, unfair or impolitic, in any way, and feel it their duty to bring the matter before the Government. Therefore I think that the Councillors should have some privilege at any rate of taking initiative steps on all such matters, and represent such cases to the Government either in writing, confidentially, individually or collectively, or by waiting on the Viceroy either individually or collectively. The Government might consider on receipt of such communications or deputations whether or not in its opinion the advices of the Councillors are worthy of consideration. This point I want your Honour to carefully consider, and if you agree with me I trust that you will kindly take necessary steps.

3. About the formation of the Council as stated in paragraph 5 (3) of Sir Harold Stuart's letter, i.e., that of the sixty members it is desired to take about 20 ruling Chiefs and about 40 territorial magnates from every province under the Government of India, I may be permitted to observe that for political reasons it might be quite right to have about 20 ruling Chiefs in the Council ; but I really do not see how these Chiefs could be of much help in giving counsel on schemes and on the subjects referred to them which mainly concern the administration of country under direct British rule. This body no doubt will be directly interested only when questions of famine, education, railway, canals (specially passing through or close to their territories), Imperial Service Troops, and Imperial Cadet Corps, ect., are referred to them. Of course when any question of general principles is discussed their advice and opinion would certainly be useful and helpful ; but in questions affecting the general interest of the landholders and tenants, trade, commerce, industry, and other professions in British territory they could not be of much help.

4. Moreover this proposal does not contemplate to take in any specially qualified persons of education and culture, nor does it embrace any representatives from classes, such as industry, commerce, capital, and other important professions to advise on questions relating to these subjects, of which they would undoubtedly be the most likely persons to have special experience and knowledge. I think, therefore, that representatives from such important classes should be taken into the Council ; specially as they will also be able to represent the opinions of those who discuss things in the press and also represent a certain amount of the popular views. For these reasons I beg to suggest that of the 60 Councillors proposed I would have 15 ruling Chiefs, 30 territorial magnates from the different provinces, and 15 educated representatives from the industrial, commercial, capital, and other professional classes, so that the Council would then be complete and a really representative body.

5. I consider that the functions of the Advisory Council seem to be very little. It is impossible at present to say anything about its practical utility until it is put into practice and its usefulness gradually appreciated. There is no doubt, however, that through these Councillors the Government will be able to make its measures and motives generally understood by the people and also be able to correct erroneous and often mischievous statements of fact or purpose imputed to it.

6. In paragraph 5 (7) it is stated that the proceedings of the Council will "as a rule be private, informal, and confidential, and they would not be published, although Government would be at liberty to make any use of them it thought proper". There is no general objection to this paragraph, but I should like to suggest that when any member is consulted individually (as stated in the middle of paragraph 4) if any member expressly desires when submitting his opinion that his opinion should be treated as strictly confidential, such a request should be respected and the opinion of such a member should not be made public or used otherwise.

Provincial Advisory Council.

7. I consider that the constitution, functions, and proceedings as contained in paragraph 6 of Sir Harold Stuart's letter may be accepted as it is as a basis of establishing the Council. It provides for the representatives of all classes of people which I consider to be a sound thing.

8. There is one point, however, which vastly differs from the proceedings of the "Imperial Advisory Council" and which calls for remarks—while the proceedings of the "Imperial Council" are clearly stated as "private, informal, and confidential" the proceedings of the "Provincial Council" when consulted collectively are to be recorded by a Secretary to Government. But it does not say whether these proceedings should be treated as "private, informal, and confidential". No doubt this is what is implied, nevertheless this point should be made clear. I propose that the proceedings of the "Provincial Advisory Council" be treated as "private, informal, and confidential" like the proceedings of the "Imperial Advisory Council". In this point the same principles should equally apply to both the Advisory Councils.

9. There is another point which I wish to allude to, i.e., that should there be no real objection the members of the Council might be consulted by the Governors of the Provinces by personal interviews wherever it is possible, without taking their opinion in writing. This course I think is important, for many members will be saved the trouble of writing out their opinions as well as be perhaps able to be more explicit than they would care or dare to be when putting down their views in writing. As stated in paragraph 5 above, here also I desire to say that when any member is consulted individually and submits his opinion in writing, confidentially and expressly desires that his opinion should not be made public his request should be respected and his opinion should not be made public or used otherwise.

10. I generally approve of the proposals for the proceedings of the Council as contained in paragraph 7 of Sir Harold Stuart's letter. I think this will be of great use and will have the effect of preventing many erroneous rumours and imputations of improper motives on the Government actions.

11. I think that some general rules might be framed under which the Advisory Council is to meet and the procedure to be followed by that body. Something on the line of the meetings of the Legislative Council or other Council meetings would serve the purpose.

A suggestion.

12. One other matter of detail I desire to suggest, namely, that a rule should be made under which the cost of travelling, etc., of the Councillors of both Advisory Councils is to be paid by Government when they attend the meetings; unless of course they be residents of the city where the Council meets.

13. In conclusion I beg to request your Honour that I might be permitted to supplement my opinion hereafter if, after going through the criticisms which are bound to appear in the papers, etc., I think such an action to be necessary.

I am, yours sincerely,

B. C. MAHTAB.

[Confidential.]

ENCLOSURE V

DARBHANGA,

The 22nd September 1907..

MY DEAR SIR ANDREW,

I was away in Bankipore and your Honour's letter reached me after my return some days after you had sent it. This and the difficulty of the question explain the delay in replying. I am very sorry your Honour did not order me down to Calcutta when you were there. It would have been far more satisfactory to have talked over the matter with you.

Your Honour asks me about the constitution of the Council and the desirability or otherwise of advising "other classes". The second question is a most difficult one to answer. I suppose the Associations will recommend the inclusion of other classes, but I would suggest that the Government of India should at present confine its selection to the classes mentioned in the resolution, and after some time appoint individuals like Sir Gurudas Banerji regarding whose loyalty and integrity there can be no question. It will be invidious to say what classes should be included and excluded; and the only way of evading the difficulty appears to me to put in certain individuals of proved merit and judgment as circumstances permit.

I would suggest also that the whole sixty should not be appointed at once: that the first appointments at least of Princes and noblemen should be unexceptionable. The noblemen should be only those about whose proved loyalty and merit there can be no question and who are *at the same time* in touch with the people. This must be the case if they are to be interpreters of Government to the people and as a necessary corollary interpreters of the people to the Government. The position will be one of very great, and I may almost add, thankless responsibility. The first appointments will be most closely scrutinised, and the success of the scheme will greatly depend on the way it is worked during the first few years: I am decidedly of opinion that no one who asks to be a Councillor should be made a Councillor.

(b) *Functions and utility of the Advisory Council.*—I believe we have discussed this aspect of the question at Belvedere. If the relationship of the Heads of Government with the Councillors are to be, if I may say so, such as exist between you and me, I am confident that much good will result, but not otherwise. There must be mutual trust and confidence. If not the opinions offered will necessarily be of very indifferent value. The position of the Councillors will be, if I understand the duties rightly, one of no power but very great responsibility. The integrity of the Councillors on the one hand and the confidence that may be reposed upon them by Government will be determining factors in securing the success of the experiment. Let all Indians and friends of India pray to the Almighty that it will result in India's good.

(c) I quite agree in these proposals of consulting the Councillors "individually, collectively, either in whole or in part". There will of course be occasions for following each separate course.

Provincial Councils.

The proposals of the Government of India in paragraphs 6 and 7 appear to me to be admirable both as regards their function and constitution, but I would respectfully urge that the importance of "private, informal, and confidential" proceedings should not be minimised as, I strongly believe that these will not be less useful to Government than written communications. I would also demur to the proposal that opinions are to be presented in writing only. There are yet many persons, especially amongst the landed aristocracy, like the late Maharaja of Sonbarsa, whose knowledge and experience of their special subjects will enable them to give opinions of considerable value, but who cannot give

a competent written opinion, and on whom this restriction will press rather unfairly. There will be also cases where a man, even if he can express himself properly in writing, will not care to do so with the same freedom as he would if he was addressing the Head of a Local Government at a private interview. I submit that this aspect of the question should not be lost sight of.

I would make the term of the appointment of the Advisory as well as the Legislative Councils at least five years if it is not possible to make it equal to the Parliamentary term of seven years. Two years is much too short a period for a man who does not belong to the Bar or to the Press to make himself properly conversant with public questions.

In conclusion I would submit to your Honour's consideration and to that of the Government of India, in case your Honour approves of this idea, that there should be advisory bodies—they need not be termed Councils—for each division and each district, at least so far as your provinces are concerned. I am most certain that these Divisional and District Committees will be most helpful to the cause of sound administration and in keeping the Commissioners and the Collectors in touch with the people. I trust that influential persons in each division and district will be glad to serve, that a compact body of local helpers will be selected and that a considerable amount of the suspicion that is bred in ignorance will disappear.

I hope your Honour will be pleased to tell me if any portion of these remarks meets with your approval, and that you will give me a little longer notice in case you may care to ask my opinion on the remaining portions of the Resolution.

Very sincerely yours,

RAMESHWARA SINGH.

[Confidential.]

ENCLOSURE VI.

CALCUTTA,

The 20th September 1907.

MY DEAR SIR ANDREW FRASER,

I have received your Honour's favour of the 13th instant, requesting an expression of my opinion on the constitution of the proposed Advisory Councils. I wish I could confer with your Honour personally on the subject. I could then fully and freely explain my views. As this is not possible at present I must satisfy myself by giving brief replies to the questions your Honour has been pleased to put to me.

2. The conception of establishing Advisory Councils is, no doubt, excellent. The organisation, if it be discriminately constructed, and sufficiently well developed, will be productive of great benefit. The Imperial Council, if it is proposed, will be composed of ruling Chiefs and territorial magnates. The former will be gratified and perhaps benefited by their association with the Viceroy in guarding Imperial interests; and the latter will feel honoured by being appointed confidential advisers of the representative of their Sovereign. They are the natural and hereditary leaders of the people, and the recognition of their status and influence will serve to strengthen their attachment to the British Raj, and induce them to readily co-operate with the Government in the effective administration of the Empire.

3. The constitution of the Imperial Council, however, as it is contemplated at present, does not seem to my mind to be quite a sound one. The ruling Chiefs live isolated from British India, and do not, I presume, take any active interest in the general administration of the country. They have no touch with the people and are ignorant of their needs and sentiments. I do not think, therefore, that they will be able to give any material advice in administrative matters. The large landholders have so long been unaccustomed to take any prominent

share in public life, that their want of training and experience, however well disposed they may be to assist in administrative work, will not enable them to render any valuable services. It will be necessary, therefore, to introduce new and more vigorous elements into the organisation to ensure its success. To be really useful and not merely ornamental, the Council must be strengthened by men outside the sphere of ruling Chiefs and territorial magnates. Educated and cultured men, of moderate political views, of trained intelligence and energy, and of proved merit and ability should be invited to become members of such a Council to vitalise the organisation, and to make it fit to produce substantial work.

4. If I may be permitted to speak frankly, young and inexperienced British officers, encouraged by the spirit of latter-day legislation, have done their level best to undermine, by openly pronouncing their radical views, the influence and position of zamindars and landholders and to destroy harmony and good will between them and their tenants. It is, therefore, absolutely essential in the interest of good government to counteract the evil effect of the mischievous and radical propaganda. There are men among the educated classes—men of sterling worth, who, by their sound training and intimate knowledge of the trend of aggressive radical thought of the present day, and being more in touch with the people themselves, are qualified to meet the specious argument against the propertied classes, and to preserve equilibrium among the different elements composing the Council. It is my firm belief that, under present conditions, if propertied classes and our educated men be judiciously combined, their joint influence would be productive of incalculable benefit to the State in promoting the welfare of the mass of the people—especially when we consider that our educated men belong mostly to the upper middle class (who form part of the mass themselves) and their opinions and counsels would naturally have greater effect upon them.

5. It goes without saying that the success of the Council would mainly depend upon the men chosen as Councillors. They should be most discriminately selected and they should possess, as *Manu*, the ancient law-giver of India, says all the qualifications essential in trusted and competent advisors—men of mature age and experience, who have the capacity of thoroughly grasping, in all their bearings, the subjects presented for consideration, and can freely, but respectfully, represent their views to His Excellency the Viceroy, or to his representative who may be deputed to confer with them.

6. It is difficult to understand, from the scheme before me, the real function of the Council. I am unable to see what useful purpose can be served by the work assigned to it. It appears to me that this work is indefinite in its character. In the first place the Councillors will not be allowed any original powers of initiation. If these powers be withheld from them, I do not see what incentive they will have to devote their time, talent, and energy to the consideration of any question, however vitally it may affect the welfare of the people, especially when they have the discouraging pronouncement before them that the Viceroy may or may not accept their views. Under such a depressing consciousness, men would hardly take any interest in questions placed before them and be willing to sacrifice their time and energy upon any fruitless deliberation.

7. The principal object in view for organising such a Council is that it may supply “a means for free and close consultation”. But there will be no record of this consultation. No trace of the opinion given will be left behind. The Government of India may use the opinion tendered for any purpose of its own, but strict silence is enjoined upon the Councillors. It is believed that “only confidential communications will secure frank interchange of opinion”. Granting this remark to be generally true there are, I believe, occasions when such communications, if guardedly worded and judiciously selected, would, when published, be of immense value. The Government of India say that the Council should be made “an agency for the diffusion of correct information upon the acts, intentions, and objects of the Government”. It is thus expected that “the Councils should be interpreters of Government to the people”; but if all communications with them be of a private and confidential nature, the mouths of the Councillors would be shut and their hands would be tied, and they would have no opportunity, nor incentive, to correct mis-statements or remove erroneous impressions.

To perform this task effectually, motives of action must be thoroughly explained, but this cannot be done unless the Councillors are at liberty to disclose the information placed before them. Considering both the advantages and the disadvantages or "free and confidential communications", I am inclined to think that—except on those questions in the consideration of which inviolable secrecy must be maintained—the opinions of Councillors taken either individually or collectively on all important subjects should be published. Such publication would be of great value, inasmuch as it would show to the people that the Councillors have exercised their utmost influence and made most strenuous exertions to do their duty both to their countrymen and to the Government by a correct representation of popular opinion on any given subject. The consciousness of doing this duty would act as an invigorating stimulus and afford them a healthy inducement to express their views freely on all measures of Government, both actual and prospective. It must be always borne in mind that the views of the Councillors will be of importance only when they are based on an appreciation of the needs, wishes, and sentiments of the people. Without an adequate sense of responsibility, the deliberations of even the most trusted advisors of Government would be utterly fruitless.

8. The total number of territorial manges is to be forty. This is to be distributed of course among the eight provinces of British India. I am of opinion that the number should be distributed in proportion to the area and importance of the provinces.

9. My remarks with regard to the constitution of the Imperial Advisory Council apply with equal force to the constitution of the Provincial Councils. The organisation of the latter body is to be on a wider basis. Representatives of "other important provincial interests" are to be admitted to it. There is, I think, a material difference between proceedings of the Imperial and the Provincial Council, as the latter are not to be "informal and confidential" and are to be reduced to writing. This is a material advantage, as it will enable the Heads of the Government to have a permanent record of the opinions of their Councillors.

10. The admission of the representatives of the smaller landholders, of industry, of commerce, of capital, and of the "professional classes" (including of course the educated classes) would be of great benefit.

11. There may be (according to oriental custom) some difficulty, considering the dignity and the high position of the ruling chiefs, in associating them, in the Imperial Council, with our educated men who have comparatively a lower social status; but in Provincial Councils no such difficulty is likely to be experienced; and I believe that in the long run the latter body would prove of greater utility than the former, for if I may be permitted to give my honest opinion, the Provincial Council would ultimately do more substantial work than the Imperial Council.

12. The provision for tendering "a collective opinion" would, to my mind, be also an advantage, as it could be employed, when necessary, to correct all prejudices and misconceptions, by its publication, and would serve to strengthen both the hands of the Government and of the Councillors.

13. The Provincial Council is to be of a smaller size but it ought not to be so small as not to be capable of including representatives of all important interests. I believe the number, considering the variety of interests, ought not to be less than thirty at least.

14. In this connection I wish to say that consultation with, and the expression of opinion of, a smaller number of Councillors, selected with reference to the special nature and importance of a given subject, would be of greater value than either individual or collective opinion taken in the manner proposed.

15. In conclusion I do not wish to say anything, in this place, about the proposed reform of the Legislative Council. The condition that "official majority must be maintained" would, according to popular opinion, considerably interfere

with the usefulness expected of it and would not be able to secure the confidence of our countrymen in its work, and would thus fail to meet their requirements and satisfy their aspirations.

With kindest regards, believe me,

Yours very sincerely,

JOTINDRA MOHUN TAGORE.

Dated Hyderabad, the 21st October 1907.

From—The HON'BLE MR. C. S. BAYLEY, C.S.I., Resident at Hyderabad,
To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in
the Foreign Department.

I have just received Barnes' letter of the 17th instant enquiring when a reply may be expected to your private and confidential letter of the 6th September on the subject of Advisory Councils and I had better perhaps explain to you exactly the cause of the delay which has taken place.

The Nizam is an acute critic and possesses much intelligence, but, if there is one thing which upsets him more than another, it is being asked for an oral opinion without previous preparation, the reason being that he takes things in rather slowly and, when he has grasped them, likes to consider them from all points of view. I had to bear this in mind in dealing with him, for, had I not done so, I should not only have excited his suspicions about our ulterior motives, but should have either failed to elicit any opinion at all or should only have received a useless reply in the most general terms. I therefore ventured to depart from the letter of the Viceroy's orders in the hope of observing their spirit, and, as soon as possible after their receipt, I wrote him the enclosed letter, which I trust that His Excellency will approve, in which I told him exactly what was wanted and asked him to discuss the subject with me as soon as he was ready to do so. Another reason which made me take this course was that the subject is a difficult one for either His Highness or myself to discuss off-hand in a foreign language.

Last Friday I received from His Highness the draft of a memorandum containing his views, with a letter saying that, if I wished to forward the memorandum to the Government of India, he would like, before signing it, to know my opinion as to its form and matter, and that on hearing from me he would name a day to receive me. To this I replied yesterday (Sunday) saying that there were one or two points which I should like to discuss with him verbally and asking him to fix an early day for our interview. I added that I would be guided by his wishes as to forwarding the memorandum, but suggested that he might be free to modify his opinions hereafter if I embodied his present views in a memorandum of my own which I would show him. To this letter I have not yet received an answer, but I shall no doubt see His Highness in the course of the next few days and I shall then be able to reply to your letter at once. I may, however, say now that the important part of his memorandum, which, I am sure, he will not modify, is to the effect that he disapproves the idea of Ruling Chiefs forming a part of the Imperial Advisory Council. He is anxious that they should be consulted on matters of importance, but would like to see this done by letter.

Dated Hyderabad, the 16th September 1907.

From—The HON'BLE MR. C. S. BAYLEY, C.S.I., Resident at Hyderabad,
To—His Highness the Nizam of Hyderabad.

Your Highness has no doubt seen in the newspapers the proposals recently put forward by the Government of India for giving to the people of India wider opportunities than they at present possess of expressing their views on administrative matters. Of these proposals, one affects only the Legislative Councils of the Governor-General, Governors, and Lieutenant-Governors, and is thus of no special interest outside British India. The scope of the other is wider. It has for its object the establishment of an Imperial Advisory Council and of minor Advisory Councils in the various provinces, and it is to the suggested Imperial Advisory Council alone that I desire to invite Your Highness's consideration. The reasons for the proposal are

No. 2310—2817, dated 24th August 1907.

explained in the first three paragraphs of the accompanying letter which has been addressed by the Home Department to all Local Governments and Administrations in British India and the scheme for the Imperial Advisory Council is set out in detail in the 4th and 5th paragraphs. I am informed that no steps will be taken in regard to the formation of the Council till the subject has been fully discussed by those best qualified to offer an opinion, and His Excellency the Viceroy has desired me to bring the scheme to Your Highness's notice, informally and privately, *in conversation*, in order that I may ascertain Your Highness's views in regard to it.

What I understand His Excellency to wish to know, is merely how Your Highness at first sight is prepared to view the scheme, favourably or otherwise, whether in Your Highness's opinion the Council is likely to prove useful and how far the leading Princes of India are likely to be willing to serve on it and take part in its deliberations: and what modifications, if any, Your Highness would suggest for its improvement. It is not desired that Your Highness should in any way commit yourself to a written, or even a definite verbal, expression of opinion on these points and my instructions go no further than I have already said, namely, if Your Highness will permit me to do so, to talk the matter over with you frankly and informally. The only reason why I am writing this letter is that the matter is one of great importance, and I feel that if we talk it over without preparation we may perhaps fail to understand clearly what is intended. If, when Your Highness has had time to consider it, you will kindly inform me, I shall have great pleasure in calling on

you any day that may be convenient to Your Highness. Your Highness will understand that the scheme is at present merely tentative and is certain to be modified in detail after the opinions which may be expressed are received. His Excellency trusts therefore that Your Highness will have no hesitation in subjecting it to the freest possible criticism.

Demi-official No. 1498 C., dated Naini Tal, the 24th October 1907.

From—The HON'BLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces of Agra and Oudh,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

I am desired to acknowledge your letter of the 6th September last, and subsequent reminder of the 17th instant, regarding the Imperial and Provincial Advisory Councils.

I am to submit, for the information of His Excellency the Viceroy, a copy of a demi-official letter from Mr. G. A. Tweedy, Agent to the Lieutenant-Governor for Rampur, dated the 1st October 1907, containing the views of His Highness the Nawab of Rampur. There is likely to be some delay in obtaining the views of the Raja of Tehri, as it is doubtful when the Agent will be able to meet the Raja.

I am to say that the question of precedence will not cause any difficulty on the Provincial Advisory Council. The Lieutenant-Governor would hope that both the Nawab of Rampur and the Raja of Tehri with the representatives of the Province on the Imperial Advisory Council will form the nucleus of the Provincial Advisory Council.

Sir John Hewett is not in favour of enlarging the Imperial Advisory Council and does not think the proposed representatives of the Ruling Chiefs inadequate. Nor does he favour appointment for life. He thinks that references to the Council should not necessarily be confidential, but that it should be open to the Government to declare that a particular reference should be treated as confidential.

Dated Bareilly, the 1st October 1907.

From—G. A. TWEEDY, Esq., Agent to the Lieutenant-Governor for Rampur,

To—The HON'BLE MR. J. M. HOLMS, C.S.I., Chief Secretary to the Government of the United Provinces of Agra and Oudh.

With reference to your confidential demi-official No. 1247 C., dated 10th September, I visited Rampur on 28th and 29th ultimo, and had an informal and private talk with the Nawab on the subject of the Imperial and Provincial Advisory Councils.

As regards the Imperial Council, he seems to think that difficulties about precedence may arise among the Ruling Chiefs when the Council is called together, and he thinks that better results are likely to follow if the Imperial Councillors are consulted separately by letter than if they are assembled for deliberation. He says that under such circumstances free expression of opinion is not likely to be obtained. He thinks that the number of Ruling Chiefs should be at least equal to that of the other Councillors, on the ground that their interests and that of the Government are identical while the same is not necessarily true of the ordinary zamindars. He would prefer to see the Imperial Councillors a much larger body, containing at least 40 Ruling Chiefs, and thinks that they should not all necessarily be called upon to attend every meeting. He would like to see something on the lines of the Privy Council at home where different members have different functions allotted to them. He is strongly of opinion that appointment should be for life—not for a term of years. He agrees to all the other proposals of the Government of India, and approves of the Provincial Advisory Council though he is hardly enthusiastic about either.

Dated Baroda, the 27th October 1907.

From—LIEUTENANT-COLONEL M. J. MEADE, C.I.E., Resident at Baroda,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

The Gaekwar settled to see me to-morrow about the Advisory Councils, and to give me his opinion: but has written to-day to ask for another week's delay as he has not, he says, quite mastered the question. I have told him that I think Lord Minto would like to receive his views as soon as possible, and that, as no formal, or written, opinion from him is required, I hope he will kindly expedite forming his opinion. I believe that he has been consulting the Dewan and others, and that the delay is due to this. The Dewan in fact spoke to me about the matter lately, and said he did not think merely Advisory Councils were sufficient. He remarked that people are asking themselves what has Government done during the past 50 years to give the Natives of India a greater share in the Government of the country? He did not see why some Native of India should not be given a seat as an Executive Member of the Viceroy's Council. Advisory Councils might mean nothing. The Viceroy might or might not listen to the advice they gave: but a Native of India as a regular member of the Viceroy's Council would be quite another matter. I don't know if the Dewan has influenced the Gaekwar. The latter seemed in favour of the proposals when I spoke to him, and I don't know that his views have been modified. He has been very reticent on the subject. I may mention that the Dewan, who is a Parsee, speaks at times as if he was very anti-English. I think the Parsees, though they have too much to lose to be actively against the Government, are not exactly our well-wishers. They have adopted Western ideas, and are undoubtedly commercially most enterprising and successful. Their cricket team defeats the Presidency regularly at Bombay, and the Dewan said they did not consider themselves in any way inferior to Englishmen. He observed that they were ready to respect individual Englishmen whose qualities entitled them to it: but they did not feel called on to admit that every Englishman was entitled to respect merely on account of his nationality. He did not see why his own people, and other well-educated Natives of India, should be debarred from obtaining all posts, which are now reserved for Europeans, or why socially any distinction should be made. He has a son in the Indian Civil Service, serving in Madras, and he said that he and the younger generation generally hold these views in all, even more, acute form. I have heard very similar opinions from a Mr. Abbas Tyebji, a Judge in the Gaekwar's service. His uncle, Mr. Budrodeen Tyebji, who died lately, was a Judge of the Bombay High Court, and acted, at one time, as Chief Justice. At least two of the family are in the Civil Service, and one would think they would be thoroughly content. But they are not. They feel and resent our race distinctions. Our Clubs and Gymkhanas are closed to them; merely because they are Natives of India, and this, naturally perhaps, they do not like. I am afraid the tendency of the age is to increase rather than lessen these unfortunate distinctions. Nearly every English settlement—from Bombay downward—has its large or small Club, where every European goes every evening, and from which natives are excluded. The Yacht Club—The Byculla—West of India, and other Clubs, expressly exclude Natives from being even brought as guests within their precincts, and on no excuse is this permitted. Here we have recently made the Gaekwar, his sons, and brothers, Honorary Members of the Gymkhana: but no other Natives of India are admitted, except occasionally by special invitation. This exclusion is felt by the Tyebjis and other high officials of the Durbar, some of whom live in the Camp, as the Cantonment is called, and I would gladly admit them and their families. Unfortunately the sentiments of the ordinary Briton is opposed to seeing more than is absolutely necessary of his Aryan brother, and all attempts to bring about more cordial relations by admitting Natives to Clubs and Gymkhanas are opposed. There are faults on both sides. The English are too exclusive and too fond of enjoying the comforts of their Clubs in which the presence of Natives would often be inconvenient, while the rising generation—especially—of Indians are too keen to ape Western manners and to expect that because they have a veneer of good manners they must be received, on equal terms, by English ladies and gentlemen. I wrote to you a few days ago about Mr. Kier Hardie's visit to Baroda, and stills think it had little effect on the general public: but, at the same time, I gathered from the Dewan that he and other people in good positions regard him as a useful champion of Indian grievances social as well as political.

P.S.—Since writing the above I have heard from the Gaekwar that he will meet my wishes and let me have his views about the proposed Advisory Councils in a few days.

Dated Madras, the 1st November 1907.

From—The HON'BLE MR. H. BRADLEY, C.S.I., Chief Secretary to the Government of Fort St. George,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

In reply to your letter Private and Confidential, dated the 6th September 1907, I am directed to say that His Excellency the Governor proposes to write direct to His Excellency the Viceroy regarding it. His letter will be despatched shortly.

In the meantime, I am directed to enclose a copy of a letter from the Resident in Travancore and Cochin giving the opinions of the Chiefs of those States upon the subject of the Advisory Councils.

Dated Trevandrum, the 14th October 1907.

From—R. C. C. CARR, Esq., Resident in Travancore and Cochin,

To—The HON'BLE MR. H. BRADLEY, C.S.I., Chief Secretary to the Government of Fort St. George.

With reference to your demi-official of 12th September 1907 about Advisory Council, I write to say that I have spoken to both the Chiefs and understand that both are in favour of the scheme.

His Highness of Cochin was quite enthusiastic about it and said it would be a great honour for a Chief to serve on the Council. He specially asked whether the Council would meet to discuss questions and volunteered the statement that collective opinions were often more valuable than single ones. A similar statement is made in H. A. Stuart's letter.

His Highness of Travancore said he had read the scheme in the papers and thought that Chiefs might serve on the Councils, but he anticipated difficulties if they had all to meet in Calcutta. I left him a copy of the "Madras Times" with the Government of India letter—he said, however, that he had nothing further to add.

I spoke to both informally.

FROM H. E. THE HON'BLE SIR ARTHUR LAWLEY, G.C.I.E., K.C.M.G.,
Governor of Madras.

Govt. House, Ootacamund, 31st October 1907.

[Private & Confidential.]

DEAR LORD MINTO,

I am afraid that I have been a very long time in sending you an expression of my views on the proposals for the formation of Advisory Councils. I must confess that I have found it very difficult to formulate an opinion! I think that—theoretically at all events—it is an excellent thing to associate the Ruling Chiefs and Territorial Magnates with us in the work of administration.

Moreover I have no doubt that the honour of being invited to sit on the Viceroy's Advisory Council will be highly appreciated.

But the question which I ask myself is this—"How will these Advisory Councils be regarded in, say, 5 or 10 years' time? Will they be regarded as a vital and integral part of the machinery of Government? or only as an ornamental excrescence?"

If the former, the experiment will be a success. If the latter, it will be a failure and the men who have served on it cannot fail to feel disappointed—probably discontented!

We cannot, I think, go back now!

The experiment must be made and the thing we have to do is to make it a success.

To achieve this it is necessary, I think, to allot to the Councils definite functions.

In the case of the Viceroy's Advisory Council provision should, I think, be made for their meeting once annually—say, in December. The Viceroy would preside and take the opportunity of reviewing the history of the past year's administration, explaining the aims and objects of the Government in reference thereto, and in reference to any prospective measures. The Advisory Council would be asked to discuss and pass Resolutions on all—(a) administrative and (b) legislative measures, affecting the whole of India, which the Government might have in contemplation.

It would also be competent for any Member of the Council to bring forward and submit—in the form of a Resolution—for discussion by the Council any matter affecting the whole of India. All matters of local concern would be excluded and reserved for discussion in the Provincial Advisory Council.

Similarly Provincial Advisory Councils would meet once a year—say, in November—prior to the meetings of the Viceroy's Council. The Governor (or Lieutenant-Governor) would preside and the procedure would be similar to that in the Viceroy's Council. They would have submitted to them the measures, whether administrative or legislative, contemplated by the Local Government, and would pass Resolutions thereon.

It would also be open to any member to bring forward Resolutions which, if passed, would be submitted to Government.

I would give in both Councils the right of Interpellation.

If the meeting of the Provincial Council was held prior to that of the Viceroy's Council, the members of the former would attend the latter in possession of Provincial opinion on any subject coming up for discussion in the Viceroy's Council.

In cases of emergency the Viceroy's or the Provincial Council could be summoned to consider measures of extreme urgency—provided their importance warranted such a step.

In the event of there being imminent no subject of sufficient importance, the Viceroy would postpone the meeting or take the individual opinions of members, but it should, I think, be understood that *normally* the Council would meet every year.

This would, I think, give the Council more consistency and add to its prestige.

The above is an outline of the scheme which I would recommend for adoption. It has, I know, many demerits, but it is only by some such scheme that in my opinion it will be possible to give *reality* to the Advisory Councils, without which I am afraid that any hope of their permanence will be futile.

I am afraid that the Resolutions of these Advisory Councils may often be embarrassing, and it may be wiser not to give them the right of submitting Resolutions on *general* topics, limiting them to Interpellations and the discussion of a programme fixed by Government. The enclosed letter gives the views of the Travancore and Cochin Chiefs on the proposals.

Yours sincerely,

ARTHUR LAWLEY.

Demi-official, No. 689, dated Shillong, the 8th November 1907 (Confidential).

From—THE HON'BLE MR. H. LEMESURIER, C.I.E., Chief Secretary to the Government of Eastern Bengal and Assam,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

I am now to reply to your private and confidential letter of the 6th September, asking for the opinion of His Highness the Raja of Hill Tipperah on the scheme for the reform of the Imperial and Provincial Advisory Councils.

2. Sir Lancelot Hare desires me to express regret for the delay, which, as already

* Reply to a reminder. It has not been printed. explained in my demi-official * No. 632 of the 24th of October to Major Barnes, is due to the illness of the Ranee, and the consequent absence of the Raja with her in Calcutta.

3. The District Magistrate, who is also the Political Officer for Hill Tipperah, has interviewed the Raja and finds that he fully approves of the idea of the proposed Advisory Imperial Council, and thinks that it would be welcomed by the Ruling Chiefs. But as regards service on Provincial Advisory Councils, the Raja is not equally friendly to the idea, under the impression that the association thereon of Ruling Chiefs with members of the trading and professional classes might be considered derogatory to his dignity. The Commissioner observes that "His Highness is very much on his dignity and at first, at least, would not care to be on the Provincial Council, but will probably wish to have his Minister selected in his place". Mr. Lusson adds that, though he does not speak English, Raja Radha Kisor is a very shrewd and intelligent Chief, and his actions since the agitation began have been quite correct, notwithstanding the fact that he is surrounded by Bengalis.

4. I am further to say that Sir L. Hare has consulted several of the principal territorial magnates of the Province, and will shortly submit for His Excellency the Viceroy's perusal a note of his own opinion regarding the proposed scheme of reform.

Dated Mahableshwar, the 13th November 1907 (Confidential).

From—H. O. QUIN, Esq., Acting Secretary to the Government of Bombay, Political Department,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

With reference to your private and confidential demi-official letter of the 6th September 1907, on the subject of Imperial and Advisory Councils, I am to say that the views of the Chiefs named in the margin have been elicited confidentially through their Political Agents, and I am to forward, for the information of the Government of India, a resumé of the views expressed by them. Those of other Chiefs will follow as soon as they have been received.

His Excellency the Governor, I am to add, is not yet prepared to express the personal opinion which has been invited.

His Highness the Rao of Cutch.—Warmly approves of the proposals. He remarked to his Political Agent that he was delighted when he saw the proposals in the papers, and he went on to say that he thought the service of Ruling Chiefs would be beneficial not only to the Native States themselves but also to the Government of India. His Highness is of opinion that the views expressed by Chiefs at Council Meetings should be kept confidential.

His Highness the Maharaja of Kolhapur and the Chief of Miraj (Senior) welcome the proposal and are of opinion that the proposed Imperial and Provincial Advisory Councils will be of very great service in enabling Chiefs to bring to the notice of the Government of India and the Provincial Governments the light in which legislative and other acts of Government are regarded in their States by the masses and educated classes; also as affording a means to unofficially bring to the notice of Government any unpopular measures or suggestion for action in any particular direction. The Chief of Miraj, however, desires that views expressed should be kept confidential.

His Highness the Dewan of Palanpur.—Considers the suggestion of having such Councils an excellent one and will please the people generally he thinks. He particularly thinks that it will be pleasing to Native Chiefs who will feel that Government think their advice worth having and that they have been asked to co-operate. He is also of opinion that views expressed by Chiefs at meetings should be kept confidential and considers that such meetings should be as few as possible, and that the opinions of Chiefs should be obtained in writing. His Highness is further of opinion that when it is necessary to have a meeting to discuss some important question of general interest, the Chiefs should not be asked to meet with the other Members, *i.e.*, Commoners, but should have a separate meeting of their own and the

opinion of their meeting taken separately : that in choosing Members amongst Chiefs those who are all on fairly good terms should be selected as far as possible, and that discordant elements should be avoided. The Dewan is also inclined to think that the term of Membership should be fixed at three years and not five, as some Chiefs, owing to infirmities, might like to retire earlier, but would not like to do so until their term was up. He feels sure that Government will derive great benefit from the arrangement, that misapprehension will be cleared up and the confidence of Chiefs and people generally gained.

His Highness the Jam of Nawanagar seemed to think well of the proposal for an Imperial Advisory Council. The Provincial Council seemed to strike him rather differently. He seemed to think that while Imperial questions were fitting questions for the Ruler of a Native State to give an opinion upon, Provincial questions would be more questions affecting British Districts than Native States, and that to consult the Rulers of Native States about them might be to confound the interests of the two. His Highness would appear to be willing to serve on the Councils, if asked, and Mr. FitzGerald thinks Government could get no better man.

His Highness the Nawab of Janjira is entirely in favour of the proposals particularly with reference to the service of Ruling Chiefs and lays stress upon the necessity for making a wise selection.

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Dated Baroda, the 4th November 1907 (Private and Confidential).

From—LIEUTENANT-COLONEL M. J. MEADE, C.I.E., Resident at Baroda,

To—SIR LOUIS W. DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

Immediately after the receipt of your letter marked "private and confidential" of the 6th September last, I shewed the letter of the 24th August, on the subject of Advisory Councils, to the Gaekwar, at an interview, and explained the proposals of the Government of India to him. His Highness said that he thought the objects, generally, of the proposals were excellent, but there were certain points connected therewith which he was doubtful about, and he would like to consider the matter carefully before he gave me a final expression of his views, as it seemed to him so very important. I told him that at present the object of His Excellency the Viceroy was merely to ascertain informally how the proposal presented itself, at first sight, to him, as a Ruling Chief, and that it would not be necessary to go very deeply into the details. On the 27th October, he told me he was still studying the proposals, and said he would like another week. I again pointed out that no formal expression of his views was required at this stage, and urged him to give me his opinion as soon as possible. He replied that he would do so, and came to see me last Friday, the 1st instant, bringing the accompanying paper with him.

I know that this goes more deeply into the question than His Excellency the Viceroy wants at present: but, after consideration I have decided to send it on, for His Excellency's perusal, as there seems a good deal in it which deserves attention.

The views expressed are certainly those of the Gaekwar, but they have, I should say, been put into shape, and written for him by some one else, probably by a Mr. Reddy, from the Madras Presidency, who has had a distinguished career at Cambridge and who is now in the Gaekwar's service. He is reading Political Economy with the Gaekwar, and it is almost certain that His Highness consulted him. He also, I know, consulted the Dewan: but I do not think that the latter could have written the paper I am sending to you, and Mr. Reddy is the only State official I know of, who could have done so. As regards my own views, I feel considerable diffidence in giving an opinion on a proposal which has occupied the attention of the most acute intellects in India; but as it has been invited, I feel bound to say that I am doubtful if the proposal, in its present form, will be altogether acceptable to the Ruling Chiefs, who would, to begin with, be in a considerable minority in the Council. Again the Council is to be purely advisory, and, though the objects of Government are to gain information, to obtain the very best advice they can get, and to inform the people of India generally of their motives and intentions, I think most Ruling Chiefs will expect to have some definite powers connected with their position as Imperial Councillors "in matters of common and Imperial interests affecting British India and the Native States." Whether it will be possible to grant any such powers without impeding the free action of the Government of India, is, of course, a matter for serious consideration; but it appears to me that the suggestion made by the Gaekwar in paragraph 13 (4) of his Memorandum may be worth considering. It seems to me also that, if possible, Ruling Chiefs should not be asked to sit on a Council with persons who, however distinguished or wealthy, have not the status of Rulers, and whom Ruling Chiefs will probably regard as their inferiors, and perhaps it may be feasible to have a small Council composed entirely of Chiefs. The Gaekwar suggests that the Council should meet at stated periods collectively. That its members should be elected, that members should have the right of interpellation, and that a two-thirds majority should command the ear of Government. These proposals appear to me to be opposed to the present views of Government, and if those views are to be maintained, the Gaekwar's suggestions, made in paragraph 13 (2) of his Memorandum, cannot be entertained. The intention of Government to get in closer relations with the people of India by other than official channels is so absolutely a move in the right direction that it would be a great pity if there is any mistake at the outset, and if, I may venture to express an opinion, from myself, I would suggest that, if it is essential to have a mixed Council of Ruling Chiefs and Territorial Magnates, Ruling Chiefs should furnish at least half the members, that the proceedings of the Council should be made more formal than is at present contemplated, and that, if possible, some indication of the willingness of Government to listen to its unanimous opinion, may be enunciated, so that the slightest handle may not be given for misrepresentations, and that no one can be able to say that Government have created the Council without any real intention of acting on its advice.

The Gaekwar had seen the letter of the 24th August, which appeared in the *Times of India* and other papers: but he has expressed a wish that he may be given a copy for his own private information. If there is no particular objection to this, as it has been published, perhaps a copy may be sent to me for His Highness.

OPINION.

The proposed Imperial Advisory Council.

'The Indian peoples of all ranks hailed with satisfaction announcements of the attitude of Government and the Secretary of State toward the education and participation of all classes

in Governmental affairs. They viewed with equal satisfaction the broad and statesmanlike spirit with which the responsible authorities undertook the delicate and arduous task of framing a measure which should be at once effective and popular. The avowed objects of Government in its circular of 26th August, namely, "to bring all classes of people into closer relations with the Government and its Officers, and to increase their opportunities of making known their feelings and wishes in respect of administration and legislative questions," and to provide an agency for "making their measures and motives generally understood and correcting erroneous and mischievous statements of fact or purpose," are such as to commend themselves to the sober judgment of all who have the interests of the Indian Empire at heart.

2. It is with great hesitancy that I approach the task of criticising the measure which Government has framed to meet the ends in view, realising the great care and skill that has gone to the making of such an important document. The very gravity of the issues demands the most thoughtful consideration and the most painstaking criticism, since by such means alone may the Indian peoples and the Paramount Power come to a mutual understanding. The object publicly avowed by Government and the Secretary of State is "to offer the means of confidential and intimate consultation between Government and its subjects" in the interests of "constitutional reform." The ends in view are presumably the unification of the Empire and the heightening of the chords of sympathy between the Rulers and the ruled. It is in that spirit that I approach the problem.

3. The British Government as an intelligent power must realise that the Indian peoples are not insensible to their own interests or necessities. In accounting for the present unrest and agitation I am inclined to lay stress not upon inherent racial differences but upon material conditions, political administration, and to some extent social conventions. The Indian peoples cannot overlook the fact that politically they have little voice in the larger affairs of administration: economically their interests are subordinated to those of the Paramount Power: and socially they are treated as an inferior race.

4. In the gradual but decisive amelioration of this condition lies, in my opinion, the sole ultimate solution of the problem before us. We should be deceiving ourselves if we imagined that the creation of consultative bodies of Indian people, with no definite or substantial power can long satisfy the growing aspirations of the whole nation. The Paramountcy of the British Government is unquestioned and unquestionable: but along with the maintenance of Paramountcy it should be clearly recognized that the interest of Rulers and ruled are common. And to this end the Indian peoples of right desire that the social barriers now dividing the races should be broken down, by British initiative if necessary: they desire a larger voice in the policy of Government, and more active participation in its management. It cannot be denied that Government should proceed to this large task cautiously and slowly, but it may be pointed out at this time that ultimately the solution of the great problem before us lies only in this direction, and the sooner this fact is realised the sooner will a solution be reached. Till that time other schemes may suffice as palliatives, but not solutions.

I may, therefore, point out at once what seem to me the essential defects of the Imperial Advisory Council Scheme, as outlined in the circular, hoping thereby to be of some assistance to Government in framing an adequate measure.

PART I.

Argument.

5. Leaving for later discussion those aspects of the problem which more intimately and vitally affect the relations between the Paramount Power and her allied principalities, "the Native States" and their rulers: I shall proceed at once to such considerations as might suggest themselves to any candid critic of the scheme.

Constitutional defects.

6. The selection of a determinate body of Councillors for private and individual consultation marks no substantial advance over existing institutions, though a slight difference in method and constitution is noticeable. To the principle of such consultation Government has long been committed in practice.

7. On the other hand, the formal assembly for collective deliberation of a body of Councillors consisting of 20 Ruling Chiefs and 40 territorial magnates is open to grave objections:—

(1) It is admitted in the Circular of Government that the principal interests to be represented in the Councils are "the landed aristocracy, the mercantile and

industrial classes, and the great body of moderate men"—the professional classes. Excepting the first of these, none others find representation. The Council is to "offer its advice on matters affecting the welfare of the people". Would the ends of Government be met by a body so constituted? The composition of the Council would, therefore, seem to be defective.

- (2) There is presumptive evidence that the two groups, 20 Princes and 40 land-holders, would not form a homogeneous or smoothly working body, since their interests and instincts would not always be common, and the representation is unequal.
- (3) Their relation with the Paramount Power is in fact one that tends in too many cases to effect their independence of judgment, and for this reason if none other, the public opinion of the liberally educated classes is scantily influenced by them.
- (4) And it is feared that this body, not influential enough to shape and command public opinion or strongly to effect the action of Government, would degenerate into sycophancy, from which self-respecting Princes or land-holders would be obliged to withdraw. Nothing could hurt the good intentions of Government more or subject it to greater criticism from the Indian peoples.

8. And the possibility of failure is greatly accentuated by the limitations which are imposed

Limitation imposed.

upon the collective body by Government. It has no stated meetings, its deliberations are generally to be held in secret, it may be called "in part," and its judgments may be disparaged, suppressed or ignored as Government sees fit. It has no power of initiative, nor statutory claim to be heard on any class of questions whatsoever, and the method of selection is by nomination not election. Such a condition of things is hardly likely to create a healthy interest or engender that sense of responsibility which alone can add weight to the advice given. In dignity and influence, if not in legal status, it falls below that of the Imperial Legislative Council (as proposed in the Circular). It may not be compared in function and status with the House of Lords in the English Constitution. It is in no respect analogous to the Bundesrath of Germany wherein the federated Principalities are granted legislative functions, or to the dignified Privy Council of Japan.

PART II.

Native Princes and Paramount Power.

9. At the outset it may be noted that the classing of Princes and land-holders, with a

Lowering of status of the Princes.

two-thirds majority of land-holders, would seem to be a lowering of the dignity and status of the

Princes. The Prince is one who holds treaty relations with Government: the land-holder is an absolute subject. By no means would Princes who are allied by treaty to the Paramount Power willingly consent to the domination in Council of superior numbers of the legal subjects or territorial magnates of British India either in matters of local import or Imperial concern. I could not give assent to any measure that compromises, directly or indirectly, expressly or tacitly, the dignity, status or independence of the Native Princes.

10. It is indubitable that the "Council," as it stands, would find itself in a perpetual

Possible embarrassment.

dilemma, namely, if its judgment chanced to accord with Government against the sentiment of the

country at large, it would reap public contempt: if, on the other hand, its judgments were found in accord with public opinion it is conceivable that Government might dispense with its judgments, and again the dignity and self-respect of the Councillors would suffer. And the matter is aggravated by the fact that Government reserve the right to "make any use of the opinion of Councillors that it sees fit" without letting them know what use is to be made of this opinion or providing opportunity of explaining their position if it be necessary.

11. Considerations of this nature make it difficult to commend the scheme on the part

Criticism is against form and powers not of Native Princes. My point of view, in general, is this, that in line with the views expressed

by Mr. Morley in his Budget speech, the Council must not, under any circumstances, be used as a basis for larger interference in the affairs of Native States on the part of the Paramount Power, to compromise the dignity of Princes, or to affect the present treaty relations. Otherwise State interests will suffer with no corresponding national gain.

I commend any proposition to give to Princes a greater voice in the solution, not only of administrative questions which affect common interests, but also in all the larger Imperial concerns. Not alone by virtue of nationality and territorial juxta-position, but by contributions to Imperial income and defence, they are entitled to consideration in the settlement of Imperial affairs.

My criticisms are directed, therefore, not at the *principle* of representation in Council but at the specific *form and powers* granted to the Council.

General Conclusions.

12. In short, it is difficult to foresee what material good will come out of an institution in form and function so anomalous and so unparalleled in the constitutions of modern States. The measure ill-adapted to the ends in view. The problem to be faced and the objects attained are concrete and pressing, and arguments tending to show the influence which such a body might attain to thirty years hence, when the "Councillors" may have been trained up to their task and confirmed in more liberal rights, can have little weight at this critical juncture. And I must confess to a conviction that the Council, *as proposed*, is not calculated to allay discontent to render authoritative service as a body of advisors, or to serve as interpreters of Government's measures and motives to all classes of citizens. Would it not add to the strength and efficiency of the body if all interests were represented? This would seem to be the only way in which "all classes of people may be brought into closer relations with Government." As devised, it is not likely to make or unmake public opinion. Yet with the above objections removed the Council might become a useful and efficient body. And whereas the Princes will now attend with reluctance and hesitation, feeling the difficulties and anomalies of their position, Government has the opportunity at this time to make an effective organ for the solution of Imperial affairs, in which the Ruling Princes might prove conspicuously useful.

Modifications proposed.

13. In that behalf I venture to make some alternative suggestions, *viz.*:—

- (1) Government should create a "Privy Council" consisting of, say, twenty ruling Princes, and an equal number of British India representatives.

Privy Council.

Powers of Privy Council.

(2) Such a Privy Council should be given for example, the following powers, *viz.*:—

1. Definite consultative power in matters of common interest between British India and the Native States such as education and famine relief, railways, and telegraphs.
2. Power of interpellation.
3. Right of bringing to the notice of Government matters which call for administrative action or legislation.
4. Similarly it might be provided that if a substantial majority of them, say two-thirds, agree in any view, Government should postpone any measure that might be in contemplation or take in hand a new measure suggested by the majority.
5. Stated periods should be set for collective deliberation.
6. The members to be chosen by election.

(3) It may be objected that such a body would have too large a representation of Princes, but it should be remarked that this Council would be organised for the discussion of Imperial matters affecting the common interests of British India and Native States alike. The Princes, moreover, as allied rulers, are entitled to an equal voice in the decisions of the Council.

(4) If it is held that such a Privy Council would not be feasible, then I would suggest an "Auxiliary Council" of ruling Princes only, with definite powers in matters of common and Imperial interest affecting British India and the Native States.

Alternative "Auxiliary Council."

14. And in this connection I may point out that Government might make an effective and popular step in the right direction, not only along the line of the above suggestions, but by

Treatment of the Princely Houses.

making larger use of the princely houses. The bureaucratic form of Government loses all the decisive advantages not only of the personal monarchy, but likewise of the democracy. Government can satisfy the democratic instincts of the professional and commercial classes by granting to them larger participation in administration and legislation, and at the same time the advantages of personal Government may be reaped by extending the autonomous powers of hereditary Princes, giving them a stronger feeling of co-operation, and wider scope for legitimate ambition. By this policy alone can the ruling classes be invested with that dignity and power which will make them effective rulers.

15. Such are the considerations that occur to me in meeting this problem. It is not possible to arrive at fixed opinions concerning a scheme like this which is as yet not definitely settled,

but in general, I believe, with the modifications proposed, the Council would become a useful body. And in that case I shall, with pleasure, be a member of it. If, on the other hand, it is to be a merely ornamental advisory body, I doubt if it would be a useful organ, although I should not necessarily withhold assent. Before giving a final answer I should be glad to know the attitude of Government towards the suggestions herein embodied. In any event, I could not yield to any proposition that compromised my dignity or rights.

SAYAJI RAO,
Gaekwar.

BARODA;
The 1st November 1907.

Dated Hyderabad, the 3rd November 1907 (Confidential).

From—The HON'BLE MR. C. S. BAYLEY, C.S.I., Resident at Hyderabad,

To—SIR LOUIS W. DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

In continuation of my letter of the 21st October, I now enclose a printed Memorandum embodying the Nizam's views on the subject of the Imperial Advisory Council which I drew up after an interview with His Highness on the 29th. It is based partly on the draft Memorandum which I mentioned that he had sent to me, which we went through sentence by sentence, and of which I have, as far as possible, retained the actual words, and partly on remarks which he made to me verbally. His Highness has seen the Memorandum and assures me that it represents his views with accuracy.

His Excellency the Viceroy has been pleased to invite my personal opinion on the same subject. I give it with some hesitation because I feel that the only point in connection with which my views are likely to be of any value is the suggested association of Ruling Chiefs with the Council. On this point I venture respectfully to express my entire concurrence with the Nizam. I do not believe that it will be possible to get the right class of Ruling Chiefs to serve on any Council, however honourable, with British Indian subjects of lower rank, and this opinion is shared by all those having experience of Native States with whom I have been able to discuss the subject. The Nizam has practically said that he would not serve, and I feel confident that Chiefs like Udaipur and Jaipur would be equally reluctant to do so. What the younger men would say I do not know, but, even if Chiefs like the Gaekwar, Sindhia, and Bikaner would accept nominations, I would strongly deprecate any attempt to induce them to do so. It would, I believe, be very hard to find twenty, or even ten, Chiefs of sufficient importance to carry weight and of sufficient intelligence to make them worth consulting, and the views of even the best of them on British Indian questions, to which the attention of the Council will presumably be confined, would not be worth very much. As one officer of great experience has said to me "We all know what Native State rule is and why we should invite Rulers whose misgovernment has kept the Foreign Office and Political Officers pretty busy for years to advise us on our own internal administration I really don't know". *Ne sutor ultra crepidam* is as true of Chiefs as of other people. In any case the smaller Chiefs on the Council would not oppose the bigger while the less articulate would probably concur with the quicker and more fluent, the result being that the majority would simply follow the Gaekwar or Sindhia, a state of things which in the former case would be distinctly unfortunate and in the latter of very doubtful advantage. There would, moreover, always be the danger arising from the susceptibility of some Chiefs to the flattery of a certain section of politicians and the press and from their desire to pose as up-to-date leaders of public opinion. The existence of the former danger among even retired Anglo-Indian officials, of sufficient experience and age to be level-headed, has been amply demonstrated of late years in Parliament and elsewhere. The danger in the case of young Indian Chiefs would be much greater, and I would not expose them to it by placing them in a prominent position as politicians in connection with matters that do not directly concern them. To let certain selected Chiefs meet occasionally and informally to discuss questions like Imperial Service Troops or famine and plague administration in Native States might be a good thing, but I would not encourage them to discuss matters of general political interest. As the Nizam observes, it is always possible to elicit their opinions by letter, or in conversation with Political Officers. The opinions thus given will be much more valuable than conclusions arrived at in Council.

There is, it seems to me, a good deal to be said in favour of the Nizam's suggestion that selected Chiefs should be invited to offer their opinions confidentially whenever they may desire to do so. An invitation to this effect, which might perhaps take the form of a personal letter from the Viceroy to each Chief concerned, would be esteemed a very high compliment. I do not think that, for some time at any rate, many Chiefs would avail themselves of the privilege,

but useful opinion might be offered from time to time, and the danger of the privilege being abused would be very slight. If such a case did occur, the remedy would be simple. The next Viceroy need not renew the invitation to the Chief in question.

Apart from the question of the appointment of Ruling Chiefs I have no remarks to offer as to the proposed constitution of the Council. There is, however, I venture to think, force in the Nizam's criticism that the scope intended to be given to the activity of the Council, is likely to prove insufficient to develop a real sense of responsibility in its members or to cause them to take a keen interest in their work. The opinion of the Government of India that the time has come to associate educated Indians, having a stake in the country, more closely than has hitherto been possible, with the administration of India has been generally accepted and I personally believe it to be well founded. The necessity for maintaining the authority of the British Government and the practical impossibility of withdrawing a concession once made render it expedient to advance with extreme caution, but, subject to this essential condition, it seems desirable that any concession granted should be as real as possible.

P. S.—I will give you a copy of this letter in print when we meet. In the meantime perhaps you would kindly telegraph to me saying whether spare copies of it and the Nizam's Memorandum are wanted and, if so, where they should be sent.

Confidential.

MEMORANDUM.

His Highness the Nizam received me on the 29th October at the Chow Mahla Palace for the purpose of discussing the proposals of the Government of India on the subject of the Imperial Advisory Council. His Highness had evidently given the subject most careful consideration and said that he proposed to show his appreciation of the spirit in which His Excellency the Viceroy had invited his opinion by expressing his views as freely and frankly as possible. He entirely and unreservedly agreed with the policy of the Government of India as explained in the first three paragraphs of Sir Harold Stuart's letter and felt sure that there could be no two opinions as to the necessity for bringing the Princes and people of India into closer touch with the Imperial Government. The time had come when for the purposes of the Imperial interests of India the principal Indian States should, in the spirit of Lord Curzon's declaration, be taken into the confidence of the Imperial Government and be regarded as the Colleagues of the Viceroy and as Rulers of integral portions of His Majesty's Indian Empire in which the Government of India was necessarily the predominant partner. It was only with regard to the method of giving practical effect to the idea underlying the scheme that opinions could differ. He proposed therefore to confine himself entirely to the practical aspects of the scheme. Such criticisms as he would offer were, he said, conceived in entire sympathy with what he regarded as an honest and praiseworthy endeavour on the part of the Government of India to adapt themselves to the growing needs and aspirations of modern India.

His Highness expressed some doubt whether, if its functions were as strictly limited as appeared to be indicated in Sir Harold Stuart's letter, the Council would succeed in fully realising the objects which the Government had in view. As to the constitution of the Council His Highness was of opinion that some, if not all, of the principal Ruling Chiefs would be very reluctant to serve as Imperial Councillors with the Territorial Magnates and representatives of the commerce and industry of India. The subjects of such Chiefs, if not the Chiefs themselves, would certainly consider it derogatory to the dignity of the Ruler of a State to be a member of one and the same Council on an equal footing with persons who, however respectable, were not Ruling Chiefs. It would thus come about either that none of the Chiefs would accept office or that those who accepted it would not be the highest or those best qualified to advise the Government. No great Chief could, consistently with his dignity, discuss public questions freely and on equal terms with Councillors of lower rank, and the result would be that any such Chief who found his opinions controverted would simply remain silent. It was also, His Highness considered, impossible to have two Imperial Advisory Councils, one of Ruling Chiefs and the other of local magnates, as the interests of the two would probably conflict, and even in a Council composed entirely of Chiefs differences of rank and dignity would certainly give rise to practical difficulties. His Highness would exclude all Ruling Chiefs from the Imperial Council. Their prestige and dignity would be best consulted by adopting an entirely different course. The opinions of such Ruling Chiefs as the Government of India might at any time wish to consult could like those of the Local Governments and Administrations of British India, always be elicited confidentially by letter, and he felt sure that the Chiefs would respond more freely to such communications than to enquiries addressed to them as members of a Council. It might be desirable to go a step further and, besides asking their opinions on specific questions, to invite selected Chiefs to offer their opinions on matters of public policy and interest whenever they desired to do so.

He would not, however, emphasize the distinction between Chiefs so invited and the rest by giving the former any special designation like that of Imperial Councillor, and certainly they should not have the same designation as that conferred on ordinary members of the Council.

In the present circumstances of India nothing could, His Highness observed, be more desirable than (1) to create an agency for the diffusion of correct information as to the motives and measures of Government in order that the people might not misunderstand them; and (2) to provide a means of ascertaining the real wants and wishes of the people from their natural leaders in order that Government might be in closer touch with them. The question was whether and to what extent these objects would be attained by the formation of an Imperial Advisory Council on the lines indicated in the letter under consideration. As to the first of the objects His Highness remarked that the Government of India had already at their disposal two important means of supplying correct information to the public, press communiqués and interpellations in the Legislative Councils. Both of these means might with advantage be used to a greater extent than at present. The Government might make a practice of communicating facts officially to certain selected English and Vernacular newspapers and of contradicting misstatements and misconceptions on the part of the Press and the public. It might also give to non-official members of Legislative Councils not only the right, which they now possess, of obtaining replies to questions when the Councils are in session but also the right of sending written questions and receiving replies *at all times* whether the Councils are in session or not. These methods of diffusing correct information would, His Highness believed, fulfil the purpose of Government more easily and satisfactorily than the agency of the Imperial Advisory Council, though the latter also might profitably be employed for the same purpose. It might possibly be found that through its members correct information would be conveyed to classes whom the newspapers do not at present reach.

In order to ascertain the real wants and wishes of the people His Highness considered it essential that the members of the Advisory Council, who should interpret them to Government, should be responsible representatives of the several classes and interests of Indian society. To secure this would perhaps be a matter of some difficulty. The selection and appointment of Imperial Councillors would rest entirely with His Excellency the Governor-General in Council, who would no doubt exercise a wise discretion in the choice of such men only as would be real representatives of the landowners, merchants, manufacturers, and other classes. But what guarantee was there that every Councillor so selected would be acknowledged by a large majority of members of his class as their representative or spokesman in the Council? Should some people of that class for some reason or other speak on platforms or write to newspapers to the effect that the Councillor did not represent the general views and wishes of the class which he was believed to represent, in such a case (which would not be rare in the present condition of India) the Councillor's dignity was likely to suffer in the public estimation, or at any rate, he might be afraid to speak with the authority which he would otherwise possess. To obviate this contingency His Highness would suggest that at least one-half of the members of the Council representing some large classes of Indian society should be elected by each class and appointed by the Viceroy in the same way as some non-official members of His Excellency's Legislative Council are elected and appointed. The other half of the Imperial Advisory Council must necessarily be selected by the Viceroy himself to represent important minorities. His Highness was of opinion that, to preclude the possibility of unsuitable persons being elected, the Viceroy's right of rejecting a nomination by a public body should be freely exercised. He admitted that difficulty might be experienced in selecting suitable electoral bodies, but believed that these could be overcome.

His Highness laid great stress on the fact that it was even more necessary that an Imperial Advisory Councillor should really feel the responsibility of his position than that he should adequately represent the interest of any particular class. The views of a Councillor would be of no use to the Government of India unless he expressed them with a due sense of responsibility, that is, with the feeling that his own welfare and that of the class to which he belonged were likely to be affected by the opinions which he might express. It was therefore of the utmost importance that any scheme which might be devised should be calculated to foster a feeling of serious responsibility. It seemed doubtful to His Highness whether the scheme as at present formulated was altogether calculated to foster this feeling or to make adequate provision for the aristocracy of India "to enter political life" or to find "scope in it for the exercise of their legitimate political influence." It was an essential condition of the scheme in its present form that the executive authority of the Government of India should be in no way weakened or surrendered. It was not proposed to invest the Councillors, either individually or collectively, with formal powers of any sort and the Government of India could not pledge themselves invariably to act in accordance with the wishes and opinions of the majority of the Councillors on any particular question or class of questions. The Imperial Advisory Council would not even have any legislative recognition. It appeared to His Highness that these negative conditions would not tend to make the Councillors feel any real responsibility as such. The positive conditions were also hardly calculated to induce the Councillors to take a lively interest in the public affairs of the country. The members of the Council would receive the title of "Imperial Councillors" but their functions would be purely advisory. The Council would deal only with such matters

as might be specifically referred to it from time to time. Although it was stated in paragraph 4 of Sir Harold Stuart's letter that the Councillors when summoned for collective deliberation "would be entitled to offer their council on matters affecting the welfare of the people," yet sub-paragraph 6 of paragraph 5 seemed to deny to the Council the liberty of offering its opinion on any public matter of its own accord. If this were the intention of the scheme, His Highness feared that the Imperial Advisory Council would resemble a machine which worked only when wound up and lay still at other times. The Imperial Councillors would have no motive to keep themselves fully informed of current public events and measures so as to be able to give when called upon an intelligent and useful opinion as to their trend and results. His Highness would, therefore, suggest that the Council should be allowed at least to take into consideration not only any particular question which might be referred to it by the Viceroy, but also to deal with any other questions which it was not expressly prohibited from discussing, and that each Imperial Councillor should have the right to address any Secretary to the Government of India confidentially on any question of moment and to tender his observations thereon for such consideration as the Government of India might think proper.

CHAS. S. BAYLEY,
Resident at Hyderabad.

The 2nd November 1907.

Dated Bangalore, the 18th November 1907.

From—A. WILLIAMS, Esq., Resident in Mysore, &c.

To—SIR LOUIS W. DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

With reference to your private and confidential letter of the 6th September regarding the Imperial and Provincial Advisory Councils, I send herewith a memorandum which the Maharaja sent me setting forth his views on the subject of the Imperial Council. I am sorry for the delay, but you will see from the date of the memorandum that it only reached me just as I was starting for Hyderabad. I should, if time had permitted, have got the Maharaja to damp down some of his adjectives which may be regarded as a little strong. As, however, the Maharaja left it to me whether to send on his *ipsissima verba* or not, and I think that you will prefer to see them. I hope that any defects of this kind may be overlooked.

I am fully in agreement with His Highness as to the great difficulty which will be experienced in inducing Ruling Chiefs to enter into Council with men of lesser status practically on equal terms: and this difficulty will be infinitely enhanced if the Chiefs are, as is proposed, in a decided minority. Even as between themselves Ruling Chiefs are by no means prepared to rub shoulders one with another indiscriminately. There is not I think any record in the Foreign Office about an imbroglio which took place in Simla in 1893 or 1894 between the Begum of Bhopal and the Maharaja of Kuch Behar when the latter by a blunder of the former's Political Agent invited the Begum to attend a dance which he was giving. "Kuch Behar invite me to a nautch?"—screamed the masterful old lady. "If Kuch Behar wants to see me let him come and sit on my doorstep like a tinker's dog till I am ready to honour him with an interview." And if such feelings exist among the brotherhood of Chiefs themselves they are infinitely more strong as between a Ruling Chief and even the most important "Territorial Magnates." And I think the observation of the Maharaja that even if the Chiefs were ready to join such a Council their people would object is perfectly just. When in the Jacob diamond case the Nizam of Hyderabad went into the witness box it gave his subjects quite a painful shock to find him behaving like common men; so much so that he had to issue an official explanation justifying his action by precedents, mostly I fear mythical, in which Muhammadan saints, sages and other worthies had given testimony. And this feeling is likely to be even stronger in a Hindu State where the Chief is literally regarded as an emanation of the Deity merely to look on whom confers religious merit.

Among other difficulties which present themselves to me in the way of convening such a Council as is proposed are (1) the dislocation of State's business during the Chief's absence; (2) the great expense—especially when it is considered that the outlay is not incurred in the Chief's interest and that his advice will not necessarily be followed; (3) the impossibility of putting up 20 Chiefs at once at Calcutta and (4) for many years to come there will, I think, be a difficulty as to the language in which the discussion is to be held. I am of opinion that the first Council meeting that is held is likely to be the last: for either the Chiefs will follow their natural leaders (as the Maharaja anticipates) or those natural leaders will regard themselves as put to open shame. And if there is a diversity of opinion the party whose advice is not eventually accepted will from the fact that the other members of the Council know of this circumstance feel a sense of humiliation. The result will be that at subsequent meetings excuses for non-attendance will be forthcoming: and if an instance is required of the infinite variety of forms that these can take, I would refer to the case of Raja Sir Surendro Mohan Tagore and the ingenuity with which he avoids attending at Investitures where, although he is a Knight Bachelor, he has to sit among the C.I.Es.

The Maharaja's proposal that all ruling Chiefs should be members is clearly not feasible; and he obviously has not considered the existence, *e.g.*, of the petty Kathiawar Chiefs, the little Hill Chiefs in the Punjab, or the tributary Chiefs in Orissa. My own suggestions would be :—

- (1) That the consultation should be by correspondence.
- (2) That the Council should be much smaller than is proposed and that the Chiefs should be in the majority.
- (3) That the chief element should be Chiefs who have salutes of 21 or 19 guns either hereditarily or personally (excluding of course any who have personally misbehaved such as the Khan of Khelat).
- (4) To these I would add selected Chiefs of lower grades sufficient to bring the whole number to 16.
- (5) There should be eight 'Territorial Magnates,' allowing as far as possible one to each province.

Both as regards the Imperial and the Provincial Advisory Councils, however, I hope that Government will not overlook the great improbability that exists that the proceedings will in fact be kept confidential. This is a subject in respect of which among Orientals one finds surprising instances of unreliability. In the Blue Book on the Pennell case among the appendices of the memorial which that gentleman addressed to the Secretary of State will be found a letter from Mr. Roy, the Barrister to Mr. Pennell, telling him all the proceedings that had taken place at a private meeting of the Judges of the Calcutta High Court, the information being derived from Mr. Justice C. M. Ghose, who afterwards officiated as Chief Justice of that Court and received the honour of knighthood. As Mr. Pennell was at the time engaged in hurling defiance at the High Court Mr. Ghose's action was particularly open to exception and the fact that he premised that Roy was not to tell Pennell merely argues insincerity for Roy's interest in the matter was purely that of friend and adviser to Pennell. If such things are found to happen with a gentleman who has held the highest judicial appointment in India, where will Government look for Councillors who will prove more reliable in this respect. No doubt as regards the Imperial Council the risk will have to be run, but as regards the Provincial Councils I should prefer to see them more organized on the lines of the Mysore Representative Assembly, and I am not sure that such a body would not be more popular than the proposed Advisory Council. In the first place the numbers need not be so restricted, and in the second place the representatives can bring forward any matter practically that they like. On the other hand Government can have notice of the matters in regard to which it will be interpellated and can consider beforehand both whether it is desirable to give an answer at all and secondly what answer it will give. The Representative Assembly does not work at all badly in Mysore, and this again affords some justification for proceeding along its lines in British India rather than strike out in a fresh and vertical direction.

Dated The Place, Mysore, the 7th November 1907.

MEMORANDUM.

I send herewith such views as I have been able to form on the proposals of the Government of India with reference to an Imperial Advisory Council.

2. The Imperial Advisory Council as sketched in the Government of India's letter, would, I understand, consist of about 20 Ruling Chiefs and about 40 "Territorial Magnates." The Members would be styled "Imperial Councillors." It would have no legislative recognition and no formal powers. The members would ordinarily be consulted individually, but would be called together on occasion. The proceedings would be confidential in either case, but Government reserve the right to make what use of them they please. The scheme also provides for public conferences on occasion.

3. The primary difficulty appears to me to lie in the proposed association of "Ruling Chiefs" with "Territorial Magnates," which would inevitably be regarded as derogatory to the former, if not by themselves, at any rate by their own subjects. The arrangement will, I believe, be viewed by Indians generally as putting the two classes on a level and will be resented. This is an objection and a grave one.

4. In the second place, supposing the Council constituted and assembled for purposes of discussion, I do not find it easy to imagine the progress of a debate. The Rajputana, or the Phulkian Chiefs for instance, would probably look to their recognised leaders for a sign, and when they had given it, they would follow it as one man. The Territorial Magnates, of less assured position, would probably fall into line with one or other of the greater men. In any case it would be highly distasteful to any Chief to differ with another in the presence of an assembly constituted as proposed, even if the proceedings were confidential. Under the circumstances, I fear that the chance of obtaining a "frank interchange of opinion" is a remote one.

5. Again the status of "Imperial Councillors" is a question of the utmost delicacy and difficulty. I do not think that there is any probability of the leading Chiefs, with one or two possible

exceptions, being induced to take part in debates with minor Chiefs and "Territorial Magnates." Unless the leading Chiefs set an example and thereby stamp the Council as a body that it is consistent with their dignity to belong to, other Chiefs will take it as no compliment to be appointed to it.

6. Again, how are the Chiefs to be selected? Either, I fear, it will be an indignity to be appointed or a slur on the Chief's reputation to be omitted.

7. I imagine that what the Government of India or, I would say, His Majesty the King-Emperor wants, is a means of giving publicity to the sentiments of the Ruling Chiefs and Territorial Magnates at times of public unrest and misunderstanding, as a counterweight to the utterances of irresponsible party politicians. This seems to be indicated by the reference to public conferences, and I doubt not, the other Ruling Chiefs of India would welcome any suitable measure that would give us the opportunity of publicly supporting His Majesty the King-Emperor's Government at such times, but I doubt if the means suggested are suitable.

8. I am inclined to suggest that the only way to make such a Council possible is to make all Ruling Chiefs members, as a matter of course, and to reserve the addition of "Territorial Magnates" as a very special honour for individual members of that class, in the same way as personal titles of Raja and Maharaja are now conferred. If this were done, no Chief could, I think, regard his association with the Council as derogatory, and as a Member *by right* he would maintain his position above and apart from Members *by selection*.

9. In the second place, I think, that ordinary confidential meetings should have no place in the scheme. They would, to me personally, be distasteful and very probably merely a source of annoyance. They would involve visits to Calcutta, accompanied by the Dewan and all the machinery of Secretaries, and records, required for intelligent and well considered discussion of important questions. The ordinary business of the State would suffer and my movements would be hampered in a way that I should be prepared to accept if real work were to be done, but which would be an intolerable nuisance, if the results were to be of the nature that I anticipate.

10. Speaking for myself, I repeat that I would heartily welcome a closer association with the deliberations of the Imperial Government if effected in a manner consistent with my position as Maharaja of Mysore. I believe that the suggestion I have made would secure the desired end. But I am strongly of opinion that there should be a central Secretariat and that all discussion and communication should be *by letter* to this Secretariat. I think it is possible that the confidential character of all communications which is so essential a feature of the scheme could be safeguarded in this way. The Council could still be summoned as suggested at any time of exceptional stress and the Ruling Chiefs would then have the opportunity of casting the weight of their influence into the scales on the side of peace and order, good Government and the maintenance of the Empire.

KRISHNARAJA WADIGAR,
Maharaja of Mysore.

No. 757, dated Camr Office, the 26th November 1907 (Confidential).

From—H. LEMESURIER, Esq., Chief Secretary to the Government of Eastern Bengal and Assam,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

With reference to your private and confidential letter of the 6th September, I am directed to submit the following observations by Sir Lancelot Hare regarding the scheme for Imperial and Provincial Advisory Councils, as desired by His Excellency the Viceroy.

2. During the interval Sir Lancelot Hare has discussed the scheme with his officers, and has obtained the opinion of the principal territorial magnates of this province. The opinion of His Highness the Raja of Hill Tipperah, the only Ruling Chief who can in any sense be considered representative in this province, has been separately submitted with my demi-official letter No. 689 of the 8th November last.

3. In His Honour's opinion the scheme for Imperial and Provincial Advisory Councils, and especially for the service thereon of Ruling Chiefs, is in its conception thoroughly sound. The opinions, however, of the titled magnates in this province indicate a considerable jealousy alike of the position of the Ruling Chiefs on the Imperial Council, and the numerical proportion assigned to them thereon. The motive for this objection, His Honour has no doubt, is a suspicion that the Ruling Chiefs will ignore the titles which the Government has bestowed upon the principal zamindars and which they regard as something very different to their own hereditary rank. The zamindars, therefore, are doubtful of their reception by the Ruling Chiefs, and the Lieutenant-Governor thinks it necessary to bring this fact to the notice of the Government of India, as much tact will be necessary to prevent disputes and even the withdrawal from the Council of members who may fancy themselves slighted. On the other hand, to judge from the Raja of Hill Tipperah's reply, it is very doubtful whether Ruling Chiefs will be willing to serve on Provincial Advisory Councils at all events, and though His Honour would be extremely glad of the services on his Advisory Council of either or both of the Ruling Chiefs of this province, he does not think that this point should be pressed or the Chiefs invited to serve, except on their showing a distinct wish to be so invited.

4. Turning to the criticisms on the form of the scheme which have been submitted to His Honour by the principal zamindars, I am to say that with few exceptions they manifest a want of full understanding of the aim and scope of these Councils. Several of the zamindars have gone so far as to declare that the scheme is useless, because there is no security that the opinion of the Advisory Council will prevail against that of the Executive Government, while others protest against the proposal that the proceedings shall ordinarily be secret and confidential, and that there should be no formal rules of procedure, and one or two express the opinion that there should be a strong elective element in the Council, if not a majority so chosen. Finally, in one instance (in which His Honour cannot but feel that the zamindar consulted has handed over the drawing up of his opinion to his legal adviser) it is roundly declared that lawyers should have a predominance on any form of Council, whether Legislative or Advisory. It is not necessary to say that none of these opinions commend themselves to Sir Lancelot Hare. He fully agrees in the Government of India's insistence on the retention in the hands of Government of a controlling majority alike in the Legislative Council, and of Government reserving to itself the fullest freedom of action in face of the Advisory Council. In fact, as these are essential points of the reference made to him by the Government of India it is unnecessary to discuss them.

5. With regard to objections of detail, His Honour has noted with regret in an otherwise extremely able and temperate letter from the Hon'ble the Maharajah Bahadur of Dinajpur, a strong expression of repugnance to the special representation proposed for Muhammadans. The expression is based manifestly on racial or religious ill-feeling which, deplorable as it is, His Honour is compelled to admit, is very prevalent in the province, and is supported by arguments which indicate a complete misunderstanding alike of the numerical and historical importance of that community. Here again the special representation of Muhammadans is one of the cardinal points of the Government of India's proposed scheme, and the Lieutenant-Governor does not consider it necessary to discuss a point on which he is so completely in accordance with that Government. He has, however, thought it right to mention this feeling, because he apprehends—as indeed does the Government of India—that various other communities and creeds will put forward claims to special representation, and this is peculiarly the case in Eastern Bengal and Assam, where a number of hitherto backward communities are struggling for social, religious, and political recognition. None of these are as yet sufficiently organised or developed to merit special representation, but if they continue as they have begun, not many years will elapse before they also will have to be taken into account.

6. Another important practical objection is with regard to the expense to the members, especially of the Imperial Council, involved by attending public meetings of the Council. It has been pointed out with considerable force that Ruling Chiefs and zamindars alike will vie with each other in making what each considers an appropriate degree of "show" on these occasions, and also that even in Calcutta and still more in other places, it will be difficult for them to obtain the lodging which will be required to keep up the dignity of themselves and

their suites. This is also true, though in a lesser degree, of the Provincial Councils. Dacca, for instance, is a place where suitable houses are few and difficult to hire, but none the less His Honour thinks it will be desirable that there should be at least one meeting of the Advisory Council every year, and the occasion would no doubt be taken of some public festivity or official function for the purpose, so that the members might be enabled to combine their functions as Councillors with their ordinary social and political duties as Ruling Chiefs or territorial magnates. Thus, for the Provincial Council, His Honour would propose to call a meeting at the same time as he holds a Durbar.

7. An important suggestion has been made by the Nawab Bahadur of Dacca to the effect that it would add alike to the usefulness of the Council and to the sense of dignity and self-respect of its members if they were permitted and encouraged to draw the attention of Government to any matters of local or provincial importance which they might think to be of sufficient moment. Such suggestions might be communicated by them to Government either merely for its information and for enquiry and necessary action, or with a view to their being discussed at the next meeting of the Advisory Council, whenever that might happen to be. The Nawab fully recognises that this privilege should not in any way encroach on the complete independence of Government, and Sir Lancelot Hare considers that, subject to this condition, the concession of such a degree of initiative would both add life to the proceedings of the Council and tend to make the Councillors take more interest in, and feel more responsibility for, their duties.

8. It has also been suggested that the Advisory Councils, whether Imperial or Provincial, might be consulted with regard to the general financial policy of Government. This, it is suggested, might be done by inviting their opinions as a general question with regard to the utilisation of future surpluses, or to the reduction of expenditure which might be necessary in view of a falling revenue. It is manifest that such a proposal will require very careful consideration, as with large bodies such as the Council, the information thus communicated could hardly fail to leak out with perhaps disastrous results in financial forecasts, but it might be possible to elicit by discussion on very broad general lines what agreement there may be as to the priority of the many proposals for expenditure which are sure to be recommended, while recommendations for economy may always be anticipated, and can always be considered.

9. Finally, the Lieutenant-Governor considers that members of the Imperial Advisory Council should have, as a right, a seat on the Provincial Council if they are willing to serve thereon, and this in addition to the regular membership for which His Honour would provide, first by the inclusion of the non-official members of the Provincial Legislative Council, by election from the District Councils to be mentioned below, and for the rest by direct nomination by the Lieutenant-Governor.

10. Though somewhat outside the scope of the Government of India's letter, I am here to mention an important suggestion which has been made by the Maharaja Bahadur of Dinajpur, and which, after discussion with his officers, Sir Lancelot Hare is disposed to consider as a serious suggestion for reform. It is, that in every District there should be an advisory council modelled in miniature on those proposed for the Imperial and Provincial Governors, in order to advise the District Officer on questions of general and local policy, and to maintain the tradition of continuity between himself and his predecessors, which is now so frequently lost owing to repeated transfers, and to there being no recognised means by which a new Collector can at once get into touch with the principal leaders of Indian society in his District. The Maharajah points out that there is at present no organisation for bringing the really leading men in each District into direct contact with the District Officer. Owing to the multiplicity of his duties, he has but little time to seek them out and make their acquaintance, and is dependant on the notes left by his predecessor for his selection in the first instance of those he is to consider as such leaders. Should no sufficient notes have been left him he must be dependant on his subordinate officials, and it is possible these may have their own motives for bringing forward the wrong men. The proposal, therefore, to appoint a council in each District, consisting of the principal zamindars with representatives elected by the Municipalities and District and Local Boards, and also provision for the representation of special classes, is one which seems to hold out distinct matter for consideration, and in order to give these councils a more important position the Lieutenant-Governor will be prepared to consider a scheme for giving them the right to elect from among their number one representative in the Provincial Advisory Council for each Commissioner's Division in which they are situated.

11. In conclusion, I am to say that the Lieutenant-Governor offers this opinion only as a provisional one. The replies from public associations and from the bulk of his officers have not yet been received, and the conditions of this province very so greatly that he is not prepared to state definitely that what is suitable in one portion of it will be equally appropriate in another. It is only on the general question of principle that he feels confident in advising the Government of India as has been done in this letter.

Dated Bombay, the 25th November 1907 (Confidential).

From—H. O. QUIN, Esq., Secretary to the Government of Bombay, Political Department,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

In continuation of my confidential demi-official letter of the 13th instant, I am to forward for the information of the Government of India the accompanying resumé of the opinions of their Highnesses the Nawab of Junagadh and the Mir of Khairpur on the subject of Imperial and Provincial Advisory Councils.

Resumé of the opinions of Their Highnesses the Nawab of Junagadh and the Mir of Khairpur on the subject of Imperial and Provincial Advisory Councils.

His Highness the Nawab of Junagadh approves of the general principles underlying the proposals of the Government of India regarding Advisory Councils and thinks it a good thing that the opinions of Ruling Chiefs should be freely ascertained, but that this should not become a means of weakening the power and authority of the Imperial Government which should remain absolute. He apprehends in a multitude of Councillors a weakening of the central authority which in the interests of all, and especially of Ruling Chiefs, should remain unimpaired. He is of opinion that Ruling Chiefs are most concerned with the Imperial Council, as that body will deal with great questions of Imperial interest, and he considers that the Chiefs should form a separate committee of the Council by themselves and not be mixed with the other classes mentioned in the scheme, in short that the Imperial Council should be divided into two houses, one of Ruling Chiefs only, who have a permanent and great stake in the country, and a second chamber of men who, however valuable their advice in particular matters, &c., may often view things from a different standpoint. It is not so much the association of Chiefs with people of inferior rank he would object to, as the confounding of interests and ideas and possible contamination of the younger and less thoughtful Chiefs with the mischievous political opinions which emanate more especially from the Deccan and Bengal. He states that Government will get no sounder or more loyal advice than from Native Chiefs, and opines that the Chiefs' opinions will be generally taken by correspondence and that the occasions when the Council will be called together will be rare. He would consider it an honour to be asked to serve on such a Council as affording him an opportunity of being helpful in the maintenance of the British power and in dissipating unsound ideas.

His Highness the Mir of Khairpur thinks that the proposed Advisory Councils will result in profit to the Rulers and the ruled. He is especially struck with the wisdom of consulting Rulers of State and other notables, for such men have no motive for concealing the truth and will say what they feel to be true, even though it may be unpalatable to those who ask for their advice. His Highness feels that he is too old to attend meetings of such Councils, but he would always be willing to tender his advice if it were asked for.

Dated Lahore, the 23rd November 1907 (Confidential).

From—The HON'BLE MR. E. D. MACLAGAN, Chief Secretary to the Government of the Punjab,

To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department,

In reply to your confidential demi-official letter, dated 6th September 1907, on the subject of Imperial and Advisory Councils, I am desired to forward herewith copies of the

From Commissioner, Delhi Division, No. 23-P.,
dated 12th November 1907.

From Commissioner, Lahore Division, No. 82,
dated 20th November 1907.

letters noted on the margin, from the Commissioners of the Delhi and Lahore Divisions, forwarding the opinions of Their Highnesses the Rajahs of Sirmur and Chamba on the subject.

The Raja of Kapurthala has only just returned from Europe and the Commissioner, Jullundur, promises to consult him shortly. The Political Agent, Phulkian States and Bahawalpur, has also informed us that he has not yet had an opportunity of discussing the matter with the Rajas of Jind and Nabha but says that he will take an early opportunity of doing so. I will send on their replies as soon as they are received.

No. 28-P., dated the 12th November 1907.

From—A. MEREDITH, Esq., Commissioner of the Delhi Division,

To—The HON'BLE MR. E. D. MACLAGAN, Chief Secretary to the Government of the Punjab.

With reference to your confidential letter No. 26 '0, dated 26th September 1907, I have the honour to inform you that I discussed the proposals relating to the establishment of

Imperial and Provincial Advisory Councils with the Raja of Sirmur on my recent visit to his State, but I could not induce him to give me a decided opinion, as he said he had not sufficiently studied the correspondence. He promised to send me his written opinion, and I now forward copy of his letter No. 12, dated 6th November 1907, on the subject.

No. 12, dated the 6th November 1907.

From—His Highness the Raja of Sirmur State,
To—The Commissioner of the Delhi Division.

In acknowledging the receipt of your confidential letter, No. 1821, dated 30th September 1907, forwarding a copy of a letter No. 2310—2317, dated Simla, the 24th August 1907, from the Secretary to the Government of India, regarding the measures necessary for giving to the people of India a greater voice in administrative matters and asking my opinion regarding the Advisory Councils, especially the services of the Ruling Chiefs on them, I have much pleasure to say in reply to the said letter and with reference to the verbal conversation we had at Nahan lately while you were here that, as the Imperial and Provincial Advisory Councils will be formed for purely consultative purposes and the Ruling Chiefs will be consulted either individually or collectively on matters referred to them, I have nothing special to add, but quite agree to the proposals contained in the Government letter under reference, which, in my opinion, will serve the purpose admirably for which the said Councils are intended.

No. 82, dated the 20th November 1907 (Confidential).

From—R. E. YOUNGHUSBAND, Esq., Commissioner of the Lahore Division,
To—The HON'BLE MR. E. D. MACLAGAN, Chief Secretary to the Government of the Punjab.

Your letter No. 2610 S., dated the 26th September last, reached me at Dalhousie just after I had completed a long tour in Chamba, in which I was accompanied by His Highness the Raja, and I did not have another opportunity of discussing the subject of your letter with him. We had, it is true, discussed the subject of the proposed Advisory Councils on more than one occasion during our tour, but the Raja is very guarded in the expression of his opinions, and I did not feel able to state fully what his views on the subject were. I therefore asked him to let me have them in writing for the information of Government. I now enclose a copy of a demi-official letter, dated the 16th instant, from him, in which he expresses the opinion that the establishment of Advisory Councils will be a wise and useful measure, and that Ruling Chiefs will consider it an honour to serve on these Councils.

Dated the 16th November 1907.

From—SIR BHURE SINGH, K.C.S.I., C.I.E., Raja of Chamba,
To—R. E. YOUNGHUSBAND, Esq., Commissioner, of the Lahore Division.

As promised in my previous letter, I beg to submit the following opinion with regard to the proposed constitution of the Imperial and Provincial Councils.

I consider the establishment of such Councils by Government as a most important and benign measure, having for its object the association of the aristocratic classes in the administration of India. I am sure that the class of men Government is likely to select to sit on the Councils will be more suitable to represent the interests of their communities than would have been the case had the selection of the Councillors been left to election.

This method would have admitted educated men who would naturally have advocated things according to their new ideas and thoughts. I am sure these Councillors will try their best to discharge the responsibilities with which Government is entrusting them faithfully and honestly. They will be in the position of advisers, and not critics, who like criticising the actions of others, knowing that they will never be called upon to answer for or put their views into practice. I do not believe for a minute that these Councillors will act so meanly as they are represented as likely to do in the Indian newspapers. They are to offer their opinions on measures from the side of the people, *viz.* to explain to Government how they think they are likely to affect the interests of the communities they represent, and also to state the case from their own standpoint. I do not believe the Indian gentry have fallen so low as not to have the courage of their convictions in stating the case clearly before Government for its consideration and final disposal.

I am only sceptical on one point where the letter says that such Councillors will be a sort of medium between Government and the people for the diffusion of correct information

upon the acts, intentions, and objects of Government, when the measures discussed with the Councillors are to be treated as confidential. I believe that Government means that after the measures have passed the consultation stage, the Councillors will be at liberty to explain the reasons and objects of the same to the people so as to avoid any chance of misapprehension on the part of the public.

These Councils are not to receive any legislative recognition. I do not think such is needed, unless it is considered necessary to remove any misunderstanding on the part of the people that these Councils will continue to be maintained. I mention this, as people are apprehensive that these Councils are not likely to last long, and they are being compared with the "Councillors of the Empire" who were appointed by Lord Lytton.

I have personally nothing to say against the proposed constitution of these Advisory Councils, and am sure this step forward will be much appreciated by the Ruling Chiefs and the magnates of India, and I am convinced that those who are nominated will regard it as an honour to serve on the Councils. We Indians are deeply indebted to Lord Minto's Government for having seen the practicability of associating us in the administration of the country. I hope the people of India and the Ruling Princes who are likely to have the honour of sitting on these Councils will use every effort to help Government with their advice and thereby show that they are loyal and faithful subjects of the Crown and capable of assisting Government in making the British Rule in India a permanent blessing. I am sure the hope expressed here is general among all my brother Ruling Chiefs and magnates in British India, and that they fully realise their obligation to identify themselves with Englishmen in asserting the British supremacy and in striving to further by every means in their power the best interests of India.

No. 510-49, dated Indore, the 4th December 1907.

From—The HON'BLE LIEUTENANT-COLONEL H. DALY, C.S.I., C.I.E., Agent to the Governor-General in Central India,

To—The Secretary to the Government of India in the Foreign Department.

(i) Confidential letter from Major W. M. Cubitt, Political Agent in Bagelkhand, dated the 28th September 1907.

(ii) Confidential letter from Major H. L. Showers, C.I.E., then Resident at Gwalior, dated the 3rd October 1907.

(iii) Confidential letter from Major S. F. Bayley, Political Agent in Bhopal, dated the 8th October, with enclosure.

(iv) Note by His Highness the Raja of Sailana, dated the 15th November 1907.

(v) Confidential letter from Mr. W. E. Jardine, Political Agent in Bundelkhand, dated the 21st November 1907.

In continuation of my private and confidential letter of the 19th September last, I now forward, for information, copies of papers, as marked on the margin, embodying the results of the references which were made to certain Ruling Chiefs on the subject of the proposed Advisory Council.

There does not appear to be anything in these papers which requires comment by me.

Dated the 28th September 1907.

From—MAJOR W. M. CUBITT, Political Agent in Bagelkhand,

To—P. B. WARBURTON, Esq., First Assistant to the Hon'ble the Agent to the Governor-General in Central India.

Please refer to your private and confidential letter No. 346-Cfl., dated the 17th instant, on the subject of the proposed Imperial Advisory Council.

I have had an opportunity of speaking to His Highness the Maharaja of Rewa about it, as he came in most unexpectedly to see me on Friday. I would take this opportunity of mentioning that quite two years ago I once asked him if he did not think that it would be a good scheme to create a Council something on the lines now suggested by Government; that is, the Government of India should appoint some Ruling Chiefs and other Native gentlemen of influence and a recognised status to be Privy Councillors, and should consult them informally on such subjects of importance as the Government thought it desirable to have their opinion. The Maharaja then thought that the introduction of some such scheme would be a good thing, and that the Chiefs would welcome it. I was in Rewa when the letter from the Government of India in the Home Department was first published in the papers, and I asked the Maharaja then if he had noticed it and what he thought of the proposal; and he replied that it had his entire concurrence.

On Friday I read out to His Highness that part of the letter from the Government of India in the Home Department, which refers particularly to the Imperial Advisory Council, and went through it carefully with him. He told me that the views expressed in the letter had his entire concurrence, and it seemed to me that he attached great importance to the Members of the Council being summoned occasionally to meet together to discuss such matters as may be placed before them. He remarked that he thought that Ruling Chiefs and other influential persons, such as Territorial Magnates, could undoubtedly take measures in their own way to guide public opinion, and that they must naturally know much more about the under-currents of Indian society than we could; and that if in such a case as the recent agitation and state of unrest their services could be utilised, they would be able by means at their disposal to prevent the agitation from affecting appreciably the people as a whole, and to show the agitators that their methods and most of their aspirations met with little or no sympathy from the natural leaders of the peoples of India. There is no doubt that the idea of an Imperial Advisory Council appeals strongly to the Maharaja of Rewa. He was, perhaps, naturally curious to know what sort of questions would be referred to the Imperial Councillors; and of course I could only tell him that in all probability a great number of subjects relating to the Government of the country would be submitted to them for their individual opinions; and that possibly some of these might be thereafter reserved for discussion by the Council when summoned together.

Dated the 3rd October 1907 (Confidential).

From—MAJOR H. L. SHOWERS, C.I.E., Resident at Gwalior,

To—P. B. WARBURTON, Esq., First Assistant to the Hon'ble the Agent to the Governor-General in Central India.

With reference to your demi-official letter No. 344 Cl., dated the 17th September 1907, about the proposed Advisory Council, I have just had an opportunity of discussing the matter with His Highness the Maharaja Scindia. I find that during his recent visit (25th to 27th September) to Simla His Highness fully disclosed his views on the subject to His Excellency Lord Minto in person, so that the present report from myself would seem to be comparatively superfluous.

However, His Highness, I gather, thinks well of the proposal. He suggests that the Council should not be too large, that they should be composed of persons of the highest position only, and that steps should be taken to enable the members to feel that they are not merely figure-heads, but that they are of some real use and that the advice they may tender will be seriously considered, and, if possible, acted upon. In every way, he thinks, endeavours should be made to make the position an enviable one and attractive to the members. One of his suggestions to this end is that they should be given *gold badges* enabling them to travel free over the Indian Railways, but failing that he thinks all members should pay their own expenses. He would like to see it arranged for the Imperial Council to meet twice a year as a regular thing—for a fortnight in Calcutta and for ten days in Simla. Between these meetings individual members could be consulted as desired.

Dated the 8th October 1907 (Confidential).

From—MAJOR S. F. BAYLEY, Political Agent in Bhopal,

To—P. B. WARBURTON, Esq., First Assistant to the Hon'ble the Agent to the Governor-General in Central India.

In reply to your private and confidential letter No. 345-49, dated the 17th September 1907, I send herewith in original a memorandum drawn up by Her Highness the Begum of Bhopal giving her views on the subject of Advisory Councils. Her Highness has also represented to me verbally one point which she considers very important. This is that if a number of Chiefs are assembled by the Viceroy in order to give their opinions on a certain question, and their opinions or those of the majority are *not* accepted by Government, a full explanation should be given to them of the reasons which may have compelled Government to decide against the views of the Chiefs. Her Highness remarked that unless this is done the people in Native States will regard the appointment of their Chiefs to the Advisory Council as a mere empty compliment, carrying no weight. If, on the other hand, the line of action recommended by Her Highness the Begum is taken and Chiefs are placed in full possession of the reasons which led Government to differ

from them, they will be able to return to their subjects and explain why such and such measures deemed necessary by the Chiefs and by their subjects cannot be carried out.

I have not consulted any other Ruling Chiefs in this Agency.

Dated the 3rd October 1907.

Memo. by Her Highness NAWAB SULTAN JAHAN BEGUM, G.C.I.E., of Bhopal.

I read with great interest in the *Pioneer*, some time ago, that the Secretary of State for India had kindly approved the suggestions made by His Excellency the Viceroy and Governor-General in Council, regarding the appointment in India of Imperial and Provincial Advisory Councils and inclusion of Ruling Chiefs in them. I should now like to briefly express my views on the desirability of including a certain number of selected Ruling Chiefs to serve on the Advisory Councils.

The Ruling Chiefs are but the component parts of the Indian Empire and it is, therefore, desirable that their advice may with advantage be sought and utilised by the Supreme Government in matters calling for such advice.

I may here venture to say that the Indian Princes being the rulers of their Principalities are in a better position to understand and weigh the difficulties and obstacles which a Government has to face at every step than those who are not acquainted with the responsibilities of a ruler. The contention which is sometimes made by persons ignorant of administrative difficulties, that the advice of the Ruling Chiefs, who are not conversant with the needs and wants of the people outside their territories, will neither be sound nor advantageous, is hardly worth a moment's notice. As far as I know the principal Native States in the country are now carrying on the administration of their Principalities on the same lines and principles as the British Government, and this has been graciously acknowledged in the despatch dealing with the proposals in question.

Even now the Ruling Chiefs co-operate with the British Government in some of the important measures of common interest, such as, the Imperial defence of the country, trade, police, education, industrial questions, famine and plague, which equally affect the subjects of both. It would certainly lead to public good to consult the leading Native Chiefs on such matters.

In addition to securing their views on administrative measures, another object, the importance of which is by no means small, will be gained by associating the Ruling Chiefs with the Government of the country. It is not infrequently the case that the motive and intention of Government are either misunderstood or misinterpreted by the public. The Advisory Councils will be much helpful in removing such misunderstandings and at the same time in correctly interpreting and explaining the same. I may also admit that the Native Chiefs themselves would also profit by sitting on the Advisory Councils inasmuch as they will be able to relate in the Council meetings their own experience and also to gain information regarding the conditions prevailing in other parts of the country. They will thus have an opportunity of acquainting themselves with the important administrative measures of Government and which will add to the store of their experience and information. Their aspirations for a more efficient administration of their Principalities will receive an impetus. They will surely receive a wholesome lesson of how to develop and devote the resources at their command for the public good.

Hitherto the want of co-operation of the Native Chiefs with the Imperial Government in matters of general and common interest, has created a sort of gulf between the administration of some of the Native States and British India. The appointment of the Ruling Chiefs to serve on the Council will soon remove this defect, and the people of all rank and status will be permeated with a new spirit of associating themselves with Imperial questions and will learn to take an active interest in them. The Native Chiefs would thus be able to prove that they were nothing short of the component parts of the Empire. Not only the Ruling Chiefs but the Indian public in general should heartily welcome the scheme which will certainly prove so beneficial to all the sections of society. The Ruling Chiefs should offer their sincere thanks to the Government for practically affording them the privilege of becoming the Imperial Councillors.

In my opinion the scheme is excellent in every way. It is desirable that the Advisory Council should in no way hamper the hands of the executive government which should be left quite free to exercise its authority and perform its responsibilities as ever.

The duty of the councillors, as faithful advisers, should only be to offer their best advice, and not to hamper the executive authority, and it would rest with the Government to weigh and utilise their advice as may seem best.

Confidential note on the Scheme of the Advisory Council, by HIS HIGHNESS RAJA SIR JESWANT SINGH, K.C.I.E., of Sailana, dated the 15th November 1907.

I was asked to express informally my views on the proposed Imperial and Provincial Advisory Councils leaving out Legislative Councils. They are as follows :—

The scheme as it stands is praiseworthy for the present and will certainly strengthen the hands of the Government of India for the good and beneficial administration of the Indian

Empire, and will create a healthy and substantial confidence in the minds of Native States and subjects of British India such as never existed before. And to strengthen the Council from time to time and widen its functions and utility will prove a certain and sound policy to consolidate the foundation of British power in India, and a certain antidote to the misrepresentation of Government measures which the reckless extremists spread throughout the country among the credulous masses. When the scheme was made public a false alarm was raised in many quarters that this Advisory Council will be more harmful than beneficial both to the rulers and ruled, as the Chiefs under certain circumstances will not be able to give their opinion freely and thus the actual facts will never see the light and the Government under the cover of popular representation will be more strengthened to carry out their high-handed policy. But it is a precipitate downright mistake to entertain such notions; as the Chiefs are fully alive to their responsibilities towards the Government that the permanency of their *status quo* is identical with the stability of the Paramount Power and to disguise facts on any consideration is worse than disloyalty. Any dissatisfaction and misguided thoughts of the British subjects will surely influence their own subjects—although, whatever subordinate internal autonomy and security they enjoy under the British flag. Of course due consideration to people's legitimate aspirations will always be given. By this scheme the Government have removed the erroneous ideas of many who took one-sided views that any representative Government is unsuited and foreign to the oriental genius. But the same condition of things existed some centuries and centuries ago in Europe and after a struggle of thousand years they carved out a system of Government which too was foreign to them before adopting it. Now the world is opened to all nations by communication, and particularly India with its oldest civilisation which is under the control of Pax Britannica and close contact with its most enlightened civilisation: and its influence, direct or indirect, in education and science, social and political, cannot be expected to remain stagnant and cling to the old methods of government and cannot open its eyes to the things which are going on in the world around it. At the same time, I am not one of those who propose reckless and headlong reforms for which the country is not fully prepared at present. Reforms, in order that they may be effective, should proceed from step to step, indicating the gradual development of the vast masses of Indian society. It is a matter of great congratulation that His Excellency Lord Minto and the Right Hon'ble Mr. Morley have fully recognised the need of the present situation and introduced reforms in a befitting manner. Indian people will thereby surely feel themselves honoured when they will see their Chiefs and Nobles honoured by the Government. They truly constitute the natural leaders of the people and I feel confident that their incorporation in the Advisory Council will remove the misunderstanding of the motives of the Government. It will also give a chance to the Native Chiefs and Nobles to show their loyalty to a fuller extent and will open their eyes to the full that all these reforms and order, present and future, can only be performed and only under the supreme guidance and control of the Paramount Power (England) who has done so much for its Indian Dependency that no history or semi-religious epics can afford an example and these blessings should not be treated lightly.

As regards the Imperial Advisory Council, however, its proceedings may be informal and confidential, but without holding Council meetings, in my humble opinion, it will not always be useful—Nay, I venture to say the Government will not receive the benefit of substantial aid for which the new scheme is necessarily brought into existence. The reason is obvious when members will be consulted by writing, their replies will be mostly one-sided and according to their own enlightenment or knowledge and will be always sadly wanting in the amendments which could only be done by hearing what others have to say and ascertain where their views were faulty and what was to be taken away and what to add to their ideas. I submit, therefore, that it is highly essential that the Council should meet at least twice a year which will afford opportunity for free discussion and the personal consultation with the Viceroy.

Further, I may observe here that I approve of the suggestion which Sir Edward Law wisely proposes that if the majority of the Advisory Council give their opinion against any measure of the Government, it should at least be postponed, though not altogether given up.

I may be allowed to go a step further and to state that the proceeding of the Advisory Council should not be kept strictly confidential. Neither the public will have full confidence in the advice which is given by the Chiefs, nor the Chiefs will be able to ascertain the feelings of the people and would be in the position to judge whether their advice was according to the interest of the general public or not. Where the Government see the necessity of confidential advice and secret proceedings there is no harm to do so. But all ordinary business of this Council should be as public as possible, so that it will increase the popularity both of the Government and the Councillors and thereby facilitate the way for the good understanding between the subjects and the Sovereign. In like manner, if the Government find their way to arrange that at least one-half of the number of the Chiefs be elected by the Chiefs themselves of their respective Provinces so that none may have any grudge that his abilities remained unrecognised by the Government and it will be a kind of "hearing all sides."

At the same time I may be allowed to propose that the number of the Chiefs for the Advisory Council is inadequate considering the large number of the Chiefs and the vast area of the Empire. Instead of twenty the number of the Chiefs should be fifty; the number of the magnates may also be increased from forty to fifty. The number of the magnates should not exceed that of

the Ruling Chiefs. The word magnate should be clearly defined, and in my opinion it should include only large landed proprietors, such as the Talukdars of Oudh and Zemindars of Bengal—say Maharajas of Darbhanga, Benares, Ajodhya, etc., etc. In nominating the Chiefs due consideration should be paid to their abilities and not to mere rank and high position only.

I have already stated that the proceedings of the Advisory Council should be as public as possible under the circumstances. Strictly speaking, to keep the proceedings of the Council confidential and secret, is impossible; because this vast number of Councillors will certainly consult their friends and advisers and also others; in that case the secrecy will only be in name and so far it will not appear in the newspapers, but it will be known throughout the country at large in one way or the other and then to apply the appellation of secrecy to the proceedings of this Council is to unnecessarily show to the public the mistrust and want of confidence in them and to create a sort of uncalled-for suspicion which is the very key-note of this supposed or real unrest in India. Besides, if these proceedings are kept secret how will the Councillors be able to disseminate the motives of the Government as they should, and create confidence for which the very existence of this Council is considered necessary?

Further, the Chiefs who give advice will not be held responsible if these proceedings remain confidential, both to the general public and the Imperial Government. Nor will they be able to ascertain the wishes of the people before they give their advice to the Government of India.

If it be not out of place, I may say one word more. If Government really want to reap any benefit from the Advisory Council, it may be invested with powers of interpellation and of bringing to the notice of the Government matters of administrative or legislative reforms. Otherwise with its limited functions the Advisory Council as proposed would not be so useful as Government intends it to be. The same remarks might apply to the Provincial Advisory Councils.

The suggestion that the members should hold office for five years and should be eligible for re-appointment, is a very good one and will work well. But this too seems a short period, and I suggest seven years. Without such a lengthy term of office it will be impossible for the members to get a full insight into the Imperial matters and understand the nature of the business for which they are appointed.

Lastly, but not in the least, I should mention here that the Advisory Council should in no way interfere with the independence, rights, and status, as well as the internal affairs of any of the Native Chiefs in India.

Dated 21st November 1907 (Confidential).

From—W. E. JARDINE, Esq., Political Agent in Bundelkhand,

To—P. B. WARBURTON, Esq., First Assistant to the Hon'ble the Agent to the Governor-General in Central India.

I took the opportunity of my recent visit to Tikamgarh to sound His Highness the Maharaja of Orchha on the subject of the proposed Council of Notables. His Highness said he had seen the subject discussed in the newspapers, but as it was not a matter which directly concerned him he had not given it much thought: that speaking generally he thought the proposal an excellent one, and that if Government decided to carry it into effect he was prepared to give the experiment his best support. On my proceeding to ask him whether actual meetings would be the best means of securing the desired results or consultation by means of letters and papers, I gathered that His Highness preferred the latter expedient, meetings involving expense and inconvenience in the matter of dates: he also rather suggested that written communication should be in the vernacular, but this suggestion is solely due to the circumstance that being an old-fashioned Chief he knows little or no English: in any case he guaranteed secrecy.

I may add that I have also mentioned the subject informally to His Highness the Maharaja of Charkhari, as well as to Raja Bahadur Bhagwant Singh of Orchha. Both of these welcome the idea of associating the Chiefs more directly with the administration of this country. Neither they nor the Maharaja of Orchha volunteered any objection to the inclusion in the Council of representatives of classes other than their own.

Dated Lahore, the 5th December 1907.

From—The Hon'ble Mr. E. D. MACLAGAN, Chief Secretary to the Government of the Punjab,

To—SIR LOUIS W. DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

In continuation of my demi-official letter, dated 23rd November 1907, I am desired to forward, herewith, a copy of a letter No. 3687, dated 26th November 1907, from the Political Agent, Phulkian States and Bahawalpur, forwarding the opinion of the Rajas of Jind and Nabha on the proposals of the Government of India on the subject of Imperial and Provincial Advisory Councils.

No. 3687, dated Patiala, the 26th November 1907.

From—LIEUTENANT-COLONEL C. M. DALLAS, I.A., Political Agent, Phulkian States and Bahawalpur,

To—The HON'BLE Mr. E. D. MACLAGAN, Chief Secretary to the Government of the Punjab.

With reference to your No. 2610-S., dated 26th September 1907, I have the honour to forward, herewith, in original, the opinions of the Rajas of Jind and Nabha regarding the proposals of the Government of India to form Imperial and Provincial Advisory Councils.

His Highness the Raja of Nabha has also favoured me with his opinions regarding the other measures suggested by the Government of India for giving the people of this country a greater voice in administrative matters in the form of answers to the questions forwarded with your letter to all Commissioners. These he saw published in the Gazette and so has answered them.

2. I have also discussed this matter with both the Chiefs, and I think the opinions they have given in writing express their real views. Neither of them, however, were very sure that the Members of the Advisory Councils, except perhaps the Ruling Chiefs, would give their true views when asked for their individual opinions.

The Raja of Jind also thought that although a more useful opinion could be obtained by collective consultation still owing to the great expense and trouble of collecting many Ruling Chiefs in one place it would not be advisable to call them together frequently for collective consultation. He thought Ruling Chiefs might be consulted individually and the other members collectively. His Highness of Jind also did not approve of the Muhammadans being specially selected for representation on the Legislative Council, he thought Sikhs ought to be also represented and preferred that a certain number of seats for nomination by His Excellency the Viceroy should be reserved from among which His Excellency could nominate Muhammadans, Sikhs or any other classes which required special representation. He had no objection to Muhammadans being nominated, but thought that if four seats were exclusively set aside for them they might be unduly represented. I think this suggestion requires consideration. His Highness of Nabha too was really of a similar opinion, but he has expressed his opinion more fully than the Raja of Jind and I cannot add anything to that opinion from our conversation.

3. On the whole I gathered that both the Rajas were in favour of the Advisory Councils and the enlargement of the Legislative Councils, but they were a little apprehensive lest these measures having been put forward at this time might lead the disaffected section of the people to think that it was on account of their agitation that these changes had been now suggested. It would, they thought, have been better to wait a little longer. Another point His Highness of Nabha touched upon was that if the advice of the Advisory Councils was never taken it would tend to disaffection and therefore he hoped that their advice would sometimes be taken.

4. His Highness of Nabha also suggested that all the Ruling Chiefs on the Imperial Advisory Council should spend the summer at Simla, so that His Excellency the Viceroy might consult them whenever he wished to do so and also might keep an eye on them and prevent them from getting into mischief. This, however, seems rather a personal matter and was no doubt suggested by His Highness in order to furnish an excuse for his own presence there. I told him I thought this might be rather hard on Chiefs whose States were at a distance from Simla and who had cool hill stations either in their own States or nearer to them than Simla. I mention this suggestion, however, as His Highness spoke of it.

SANGRUR;
November 1907.

MY DEAR FRIEND,

With reference to your demi-official No. 3093, dated the 1st October 1907, forwarding a copy of a letter from the Government of India (No. 2310-2317, dated the 24th August 1907) I wish to express, at the outset, my warm appreciation of His Excellency the Viceroy's noble idea.

As I am chiefly concerned with the establishment of Advisory Councils, I need express my opinion only in their connection. To begin with, I am frankly of opinion that these institutions will be of considerable service alike to the Government and the people. They will also prove to be of great advantage to the Ruling Chiefs, as association with the Government of India in important matters of common and Imperial interests will indirectly bring forth most happy results.

I am an advocate of the Ruling Chiefs being included in the Advisory Councils, especially the Imperial.

The members of the Advisory Council may be consulted individually or collectively, but for Ruling Chiefs preferably by the former method. In connection with collective consultations, I would like to suggest that Ruling Chiefs' seats might be distinct from those of the other members.

Your Sincerely,
RANBIR SINGH,
Raja of Jind.

NABHA,
The 1907.

MY DEAR FRIEND,

In reply to your letter No. 3093, dated the 1st October 1907, I inform you that my personal views on the establishment of the Advisory Council are given in this letter, which runs as follows, and formal answers to formal questions as given in Government, Punjab, Notification No. 2643, dated 27th September 1907, are attached apart.

Proposals of the Imperial Government to disseminate widespread knowledge of the intentions and measures in contemplation of the Government *anent* public welfare and to invite opinions thereon are liberal. It is true indeed that inviting opinions on measures of sufficient administrative or legislative importance is in keeping with the traditions of the country, but it is equally true that in no period the process was graced with such formality and solemnity as is now proposed to be attached to it, and it is consequently undeniable that this new phase will in shaping the policy of the Government give weight and respect to the opinions tendered quite unprecedented. It is so I see a very healthy and beneficent proposal, but that in its operation it may prove strictly true to its nature it is highly essential that greatest care and circumspection should be bestowed upon the selection of the men who will be called upon to constitute Advisory Councils. Though these Councils are not for the time endowed with any legally binding or coercive power to enforce their views upon the Government, yet when once they come into existence it will not be an easy thing for the Government to thwart and ignore persistently the united volume of their views propounded. The institution, which is at this time proposed to be set on foot as mere experimental, seems in the long run destined to acquire an importance of its own and assume a position entitling it to be regarded as an essential element of constitution. The component parts of this institution, therefore, in my opinion ought to be quite above the reach of any bias either this way or that and who in their judgments should be guided by the principles of highest Government interests. In fact their case ought to be that of the saw which pours forth its bounties both sides and not that of the adze which works for the behoof of one side. It is equally essential that these noblemen should be sufficiently inured into politics, so that their judgments should be based upon a rightful view of things. They are bound to be well aware with the nature and extent of the rights and duties of the subjects and the nature and extent of the prerogatives and responsibilities of the Government. It ought not to be regarded, moreover, I conceive inconsistent with the responsibilities of so sapient and impartial a class of the people of the land that besides dealing with the questions referred to them they should be allowed to approach informally the Government *suo moto* with their suggestions on some vital questions of the day. Without some restrictive initiative being accorded to so high a class of the people, as the proposed Advisory Councils are expected to consist of, it cannot be affirmed that they are conceded credit and trust which from their high position they do deserve. It is a matter of experience that most often it happens that the people are seething with a grievance, but the current of popular indignation does not run so high and boisterously that the existence of the grievance should come within the knowledge of the authorities. In such conjuncture too, this class of the notables are by enlightening the Government with the real state of things and by suggesting to them how to manage the situation, likely to prove of material service to the Government.

(The more I reflect upon the scheme set afoot, the more I find myself overpowered by the sense of thankfulness to the Government. The Bengalis and the Aryas may in their conceitedness ascribe to themselves places in as high an intellectual plane as they will, but I amongst many of my way of thinking cannot but find reason to be different (for the present at least) of the capabilities of the Indians to take share with their leaders in the administrative work of the country, until the social regeneration of the natives is worth a bit. I admit that our brothers could enfranchise themselves sooner and claim a position amongst the most advanced nations of the world, if they were not slow to raise themselves above the mischievous teaching of the Purans, and to dedicate themselves devotedly to Vedant Philosophy. I am sanguine that English education, too, must have proved quite a boon to them, but the most regrettable thing it is that the incomparably elevating influences of the most learned language of the world are more than counterbalanced by the rigid traditional outpourings of the Brahmins, who would resent implacably and uncompromisingly at our slightly cutting a new improved path. The baneful effect (and indirect effect of course) of these outpourings is sufficiently borne witness to by the present hostile stand taken by my countrymen against their benefactors.

In this stage of our condition it is very unparalelledly generous of the Government to take us in confidence and to say and talk so *euphemistically and flatteringly* of our qualifications to take a share in practical administration. For this act of pure generosity there will be none who will not feel extremely grateful to the authorities.

The responsibilities proposed to be imposed are however very onerous and it is not an easy thing to discharge them adequately. I believe that only members will exert themselves well, who join diffidently; those who are forward in their claims and would have seats in the Council as their undisputed right, are presumptuous, and their presumptuousness is attributable to their ignorance of the sacred nature of the duties to be done. Before enlisting any man for the purpose, it will therefore be advisable to gauge him in respect of all his phases—literary, blood

social and moral aptitude. I by no means intend to suggest that only persons should be nominated who obsequiously take their cue from the overlords, that would mean no more than to pack the house with ornamental chairs. I, like others, on the other hand, would like to see only magnates of the realm assemble in the Council Halls who are men of sufficient independence, but at the same time it is essentially necessary that they in their judgments should be inspired and actuated by the most loyal and beneficent, and by no means any sordid motives either this way or that.

I am,
Your sincere friend,
HIRA SINGH,
Raja of Nabha.

Answers to questions as given in the Government, Punjab, Notification No. 2643, dated the 27th September 1907.

Q. I—(1) Imperial Advisory Council.—Do you consider that an Imperial Advisory Council on the lines sketched out in paragraph 4 of the Government of India letter would be of service to the country, and if so, do you suggest any alterations in the proposals made in paragraph 5 regarding its constitution and duties?

A. I am confident that this Council will bear good fruit provided only the best men of the soil are enlisted therein.

With reference to clause 3, paragraph 5, it is essential to suggest that from every section of the Indian Community one or two Ruling Chiefs, who so deserve merely by virtue of their personal ability, may be allotted seats in the Council. As regards other members it seems to be recommendable that first lists be drawn up of the best eligible inhabitants of all the districts and then from amongst so selected people nomination be made of the most competent men of all.

On clause 4, paragraph 5, I have simply to remark that no doubt the term five years is most approvable, but this term may not be coterminous with the term of each Viceroyalty, on the contrary it ought to span the half period of each Viceroy, so that the new Viceroy may have the benefit of the experience of the old Councillors.

The limitation made in clause 6, paragraph 5, that its functions should be purely advisory, and that it should deal only with such matters as might be specifically referred to it from time to time is not well conceived. When journals of the day are suffered to criticize all administrative and executive measures of the Government so freely and openly, there can be no justification, I think, in withholding from the Chiefs and Notables of the country in whose staunch and unwavering fidelity the Government has perfect trust, the right of propounding in a private conclave measures appertaining to the Government or public welfare, which they deem peremptorily called for. Sound policy necessitates it, however, that where a member has submitted a new proposal and that has found approval in the eyes of the authorities, they in order that the propounder may not conceive an overweening opinion of himself must allow some time to elapse before bringing it into practice.

Clause 7, paragraph 5, is well intended, but not well conceived. Where so good a number of the people do assemble and discuss, to try to keep the proceedings strictly confidential and secret is to contend against impossibility. Public curiosity is bound to be on the tiptoe on such occasions, and it is but unnatural to expect from all the members who do take part to be strictly close—secret keepers. Also it is impossible to identify the man who allows something to leak out from him deliberately or inadvertently, some bits or scraps of the proceedings are sure to transpire. Under such circumstances, the only result will be that this state of things will give rise to wild surmises, much misrepresentation and much misunderstanding of the intentions of the Government. So in this instance the history of the British Parliament will repeat itself.

Q. II—(2) Provincial Advisory Council.—Do you think that a Provincial Advisory Council would be a useful institution, and if so, would you suggest any modification in the proposals made above and in paragraph 6 of the Government of India letter regarding its constitution and duties?

A. I most vehemently approve of the establishment of the Provincial Advisory Councils, the system will be very serviceable, the manner of appointment of the Councillors, however, should absolutely rest with the Government.

Q. III—(3) Imperial Legislative Council.—Do you approve of an enlargement of the Imperial Legislative Council, and if so, would you suggest any modifications in the scheme sketched out in paragraph 12 of the Government of India letter?

A. I do not see reason to say anything against the enlargement of the Legislative Council. But as the motive of self-consideration is the great vice of my countrymen, it is therefore that we have so very irreconcilable divergence of views. It is unanimity, and uniformity and smoothness of action that conduces to much good, and that is obtainable only by self-denial and self-abnegation.

Q. (4) In particular, do you approve of the proposal that one member should be elected by the Provincial Legislative Council, as proposed in paragraph 13 of the letter?

A. The proposal that Provincial Legislative Council should send its one member to the Imperial Legislative Council is well conceived.

Q (5) Do you approve of the selection of one of the great landowners of this Province to the Imperial Council, and if so, by which of the three methods suggested in paragraph 15 of the letter (or by what other method) should he be selected? If by direct election, what should be the electorate?

A. Indeed of the great land proprietors of this Province, one member should be sent up to the Imperial Legislative Council; and his election may be made thus—first every District Officer may call on the landlords of his district to elect one of themselves to form a body of electors, which body again may elect one of themselves for Imperial Legislative Council.

Q. (6) Do you approve of the proposed appointment of four Muhammadans to the Imperial Council, two by election and two at least by nomination as suggested under heads D (d) and E of paragraph 12 of the letter? Would you recommend that the elected Members should be elected by the Muhammadan Members of the Provincial Councils or by some such electorate as that described in paragraph 18 of the letter?

A. I cannot endorse the provision in contemplation for special representation of the Muhammadans; such distinctions are calculated to create breaches otherwise every other section should be gifted with the right of special representation; but it is best not to make distinctions and to make nomination or election depend upon personal worth alone irrespective of caste or creed.

Q. IV.—(7) *The Provincial Legislative Council in the Punjab*.—Would you advocate an increase in the present number of Members, and, if so, to what figure?

A. The enlargement of the Provincial Legislative Council, it is hoped, will prove beneficial and the number of the Councillors may advantageously be increased to 16, 17 or 27.

Q. (8) Would you maintain the present system of nomination or would you have any or all of the unofficial seats filled by election?

A. I appreciate nomination, of course, but this much deserves consideration that when members are elected by universal suffrage, public opinion has faith in them and backs them in all their representations whatever they be; so if it is intended to influence public opinion, the system of election ought to have preference.

Q. (9) In either case would you advocate a fixed rule determining the proportion of seats to be allotted to each class (paragraph 22 (a) of the Government of India letter), and if so, what classes do you consider should be represented and in what proportion?

A. One and the same principle should be the lodestar of both the Imperial and Legislative Councils; and in order to recruit both preferably personal worth should alone have regard.

Q. (10) If election is resorted to for the appointment of all or any of the unofficial members, would you advocate election through Municipal or District Boards? If so, on what system would the election be made? If not, what electorates would you suggest?

A. The procedure that is current is alright, but election should be decidedly based upon personal worth.

Q. (11) If you advocate separate representation of classes as proposed in paragraph 22 (a) of the Government of India letter, and would you carry it out in the manner proposed in paragraph 22 (b) and would you suggest any corresponding changes in the constitution of Municipal and District Boards in the manner indicated in paragraph 22 (c) or in any other manner?

A. It has already been answered (*vide* Answer (6)).

Q. (12) If you think provision should be made for the separate representation of Muhammadans in addition to that open to them by nomination or election in the ordinary way, would you provide for such representation by nomination or by election, and if by election, would you adopt the form of electorate suggested in paragraph 17 of the Government of India letter, or what other form would you propose?

A. *Vide* Answer (6).

Q. V.—(13) *Discussion of the Budget in the Legislative Council*.—Do you consider that the system of discussing the Budget in the Imperial Legislative Council should be altered in the manner suggested in paragraph 23 of the Government of India letter?

A. As regards the discussion on the Budget in the Legislative Council the changes proposed by the Government are well advised.

Q. (14) Do you consider that the Provincial Budget should be discussed in the Punjab Legislative Council, and if so, would you advocate its discussion by separate heads in the manner suggested in paragraph 23 of the Government of India letter?

A. Here, too, the discussion is necessary and ought to be guided by the same principles as in the Imperial Council.

Q. (15) Do you advocate the introduction into the Punjab Legislative Council of the power of interpellation by members ?

A. The right of questioning in the Punjab Legislative Council, I believe, will prove as beneficial as it has already been in the case of the Imperial Council: This system necessarily brings many important points to light.

Dated Agent to the Governor-Generals Camp, Rajputana, the 13th December 1907
(Private and Confidential).

From—The HON'BLE MR. E. G. COLVIN, C.S.I., Agent to the Governor-General in Rajputana,
To—SIR LOUIS W. DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign
Department.

I am sorry not to have sent in earlier my reply to your private and confidential letter of the 6th September on the subject of Imperial and Provincial Advisory Councils. The fact is that I have as yet received only a few opinions, for the Chiefs consulted have, as a rule, shewn a desire to take time for reflection and to give their opinions only after the greatest deliberation.

His Highness the Maharaja of Jaipur, for instance, has replied that he would like to talk the matter over with me on my approaching visit to Jaipur, before giving his opinion.

His Highness the Maharaja of Alwar has sent word to say that he is not yet ready with a reply.

I do not, however, like to delay the matter longer, and I am now sending you the purport of the opinions hitherto received.

The views of His Highness the Maharana of Udaipur will, of course, be of particular interest to the Government of India, and I think they should be fully reported. I accordingly enclose a copy of paragraphs 2 to 8 of Captain Chenivix Trench's letter on this subject.

The other opinions hitherto received are summarised below :—

Kotah.—His Highness the Maharao of Kotah considers the proposals to be well-suited to the requirements of the present times. He adds that to ensure the measure fulfilling its object, the persons selected should be possessed of a general knowledge of affairs and capable of giving an opinion.

Dholpur.—His Highness the Maharaj Rana of Dholpur has expressed his full approval of the proposal and thought that it would prove a useful measure. He expressed some doubt whether some of the older Chiefs would like to be associated with Chiefs of lower rank, and he thought that this might lead to difficulty if it is intended to summon a general meeting of the Council.

Jodhpur.—His Highness the Maharaja of Jodhpur seemed to think that the scheme was in advance of the times and would come better 50 years hence when education had spread more. His view seems to be that the people and even perhaps some of the Chiefs would not understand the advantages of the proposed measure, which to their intensely conservative natures and uneducated minds would possibly appear unnecessary and disturbing. He also pointed out that unless the senior Chiefs were selected, a good deal of jealousy might ensue.

Sirohi.—His Highness the Maharao of Sirohi did not appear to have any very strong opinion on the subject, but generally admitted that the idea seemed a good one.

My personal opinion I venture to express as follows :—

The principles underlying the proposals for the organisation of an Imperial Advisory Council are unquestionably sound. The association of the great Ruling Chiefs and the Territorial Magnates of British India with the Governor-General in the guardianship of common and Imperial interests, and the establishment of an agency for free and close consultation between Government and its subjects and for the diffusion of correct information on public affairs are, both of them, objects of the most urgent importance at the present time.

I feel, however, the gravest doubts as to the adequacy of the means proposed for securing these ends. The Imperial Advisory Council, if constituted on the lines proposed, will either possess no real power or initiative, or its power will be exercised darkly and in opposition to the native element in the duly constituted elective Councils. In the first case, the Advisory Council will in time degenerate into a nonentity, the position of Imperial Councillor will slowly but surely become a sinecure. In the second case, we shall be in danger of creating a situation, under which the Advisory Council and the official majority on the Governor-General's Legislative Council may be ranged on one side, and the minority of that Council, who after all are the elected representatives of very large sections of the population, on the other. Neither of these results would be what we desire. If the Advisory Council is established at all, it must not be allowed to fade away into impotence : it must be so established that it will constitute a real element in the government of the country. On the other hand, it must not operate to set class against class, for in that case it would fail to be a true and sympathetic medium of communication between the Government and its subjects.

I venture to suggest that it is not desirable to have a double set of Councils for British India, as this is almost certain either to end in nothing or in the development of a spirit of bitterness and faction.

The fault of the existing Legislative Councils is that they do not secure for us a proper representation of the best classes in the country, and their power of mediating between Government and its subjects is too limited. Let us realise these deficiencies and legislate for them. The big landlords will not submit to the inconveniences and possible indignities of an election. Let a sufficient number in each Province be brought on to the Council by nomination.

The members of the Legislative Council can only influence the Government at present in matters of administration by means of formal interpellations. Why not transform these Councils by means of legislation into something closely approaching the Advisory Councils outlined in the Home Department letter of 24th August 1907, and then give them advisory powers in matters which may be referred to them, as well as the legislative powers which they at present possess? It is proposed to abolish the present elective system by which all the candidates can belong to a single class, and if the rules for election and for the qualification of candidates are framed with care, we should be able to bring on to these Councils a number of sensible and loyal native gentlemen who would sympathise with Government and support the official element.

The ill-disposed and contentious would thus sink into an insignificant minority; and it could not be said that the native minority on the Legislative Councils were the real depository of public opinion in India, but that they were over-ridden by an official majority and a secret chamber of nobles.

As regards the proposed Imperial Advisory Council, there would certainly be some practical difficulty in bringing the Ruling Chiefs to sit round a Council Board with representatives from British India. Some of the younger and more advanced generation of Chiefs might not feel the force of this objection so strongly as to preclude their attendance, but the older Chiefs, like the Maharana of Udaipur and the Maharaja of Jaipur, whose advice would be most weighty and welcome, would not, I think, be induced to join such a gathering, except with the greatest difficulty—and all Chiefs, even the more advanced, would prefer to belong to a Council which was closed to all, except their own order.

Possibly the suggestions I have made above would open up a way to meet this difficulty. The best of the Territorial Magnates of British India under the scheme there proposed, would naturally find their place on the Council (Legislative and Advisory) of the Governor-General, but it would be a pity to leave the Ruling Chiefs entirely outside the pale.

The objections which have been taken above to a separate Advisory Council, largely composed of British Indian subjects, would not apply to a Council composed of Chiefs only, as it is unlikely that they could be suspected of interfering with matters of internal policy in British India. There could, I think, be no objection to an Imperial Advisory Council, composed of Chiefs only, to whom would be referred when His Excellency the Viceroy thought it advisable, questions of Imperial interest or policy, in regard to external affairs or affecting Native States as well as British India. Every Ruling Chief would, I think, be proud to belong to such a body, and it would be a goal for his ambition. It would, moreover, give the Chiefs what they would greatly value, a more direct say in the affairs of the Indian Empire, and I feel confident that the Council would embody an amount of experience and knowledge of affairs that would prove very valuable to the Viceroy. There would of course be no necessity for any Provincial Advisory Councils.

Dated the 8th October 1907.

From—CAPTAIN R. H. CHENEVIX TRENCH, I.A., Officiating Resident in Mewar,

To—C. C. WATSON, Esq., First Assistant to the Agent to the Governor-General, Rajputana.

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2. I think I should at once say that His Highness always discussed the subject with the greatest diffidence and was anxious that it should be clearly understood that he did not pretend to speak for or to reflect the opinions of other leading Ruling Chiefs. He could only speak for himself and offer his own opinion as he had been asked for it for what it was worth. I assured His Highness that it was exactly this that His Excellency the Viceroy desired to obtain.

3. His Highness the Maharana remarked on the scheme of the Imperial Advisory Council that unendowed as the Council would be with either powers or initiative of any kind, the purposes for which its creation is intended could be equally well attained without calling it into existence. Since it is at all times open to Government to consult Ruling Chiefs and Territorial Magnates of British India on any matter it may deem fit to refer to them, since too the surrender or delegation of paramount British power in India, a matter which must entirely depend on the pleasure of Government, is not contemplated, and since the Council is intended only for consultative purposes, he considered that the scheme offered few, if any, results which could not be gained without its introduction. His Highness readily subscribed to the view that closer relations between all classes and the Government are desirable. While offering no comment on the present political situation, he indicated it as a possible evidence of such a want. The closer relations aimed at appear to His Highness necessary for the diffusion of correct information on the objects and intentions of Government no less than for the elicitation of the wishes

and feelings of the people. To turn for advice to the natural leaders of the people he held to be wise statesmanship and the best means towards the above ends. But in seeking such counsel His Highness the Maharana considered that care should be taken to consult only those who were qualified to express a useful opinion, since to refer to a man on matters outside his range was not only often embarrassing to the individual but might be misleading to Government.

4. In further conversation His Highness did not deny though he was reluctant to express an opinion on the point that the grant of some power of initiative to the members of the Imperial Advisory Council taken collectively or individually might add value to the scheme. But in general the establishment of the Council as a determinate body did not commend itself to him. My suggestion that it would afford opportunities for collective deliberation and counsel which would otherwise be lost led His Highness to mention certain practical difficulties of the scheme which occurred to him. He hinted at problems of precedence which might arise on the occasion of the Council being called together, but at once qualified this objection by the remark that he had no doubt that the greatest attention would be given to this point. He spoke of the many claims already made on a Chief's energies and time by the administration of his State, and evidently thought that if the creation of the Council and nomination to it were to be welcomed by all Ruling Chiefs as they should be, collective deliberations should be rare and that even references to members for an individual opinion should not be made too freely or on matters which were not of considerable moment. I would here mention what everyone who knows Mewar is aware of, namely, that there is probably no harder worked man in the State than His Highness, and that there is no Ruling Chief by whom the above point could be urged with greater reason. His Highness mentioned the difficulties which many Chiefs encounter on leaving their own territory. At the same time he frankly admitted the advantages to be derived from an interchange of views and from discussion with other Chiefs, which would be possible only at such times when the Council met together. His Highness emphasised the desirability of all proceedings being confidential, and in view of the reservation made as to the liberty of Government to make what use of them it thought proper, expressed himself strongly in favour of a further assurance that no member's opinion should be disclosed without his consent.

5. The careful selection of members from British India whether for the Imperial Advisory Council or the Provincial Advisory Councils appear to His Highness the Maharana of the highest importance. To appoint men who were not trusted by the people however well qualified in all other respects would only defeat the purpose of Government.

6. I think His Highness's views may be correctly summed up as follows :—

There is undoubtedly a need for closer relations between Government and all classes. But the creation of an Imperial Advisory Council towards this object on the lines suggested is open to friendly criticism for the following reasons :—

(a) That a Council limited in its functions to the extent contemplated by the Government of India and as it must be by its unendowment with any sort of power would not properly justify its existence or be entitled to the dignity of an Imperial Advisory Council.

(b) That it would appear unnecessary in any case since in the first place the advice of all loyal Ruling Chiefs is at all times at the disposal of the Governor-General, while in the second the only purposes it would serve to fulfil which could not be attained without it being called into being are those of collective deliberation and the interchange of ideas and opinions with other members.

7. His Highness the Maharana thought that the establishment of Provincial Advisory Councils was a wise policy in that the nature of their constitution combined with their limited sphere will probably render them of more value for the purposes aimed at by Government than the Imperial Advisory Council will be. I inferred from His Highness's remarks that not only were the difficulties inherent in the larger Councils and the criticisms to which it is open, absent from and inapplicable to the smaller Provincial Councils, but that in his opinion the latter would be comparatively easy to deal with and would be generally a handier means of obtaining the desired ends.

8. To avoid any possible misrepresentation of His Highness's views on so important a matter I showed him my rough draft down to this point. His Highness has carefully studied a translation of it prepared for that purpose and after making such modifications as appeared desirable has given me his assurance that I have correctly presented his views. It is perhaps not surprising that the advantages of collective deliberation should count for little with a Chief of His Highness's conservative disposition against what appear to him as defects in the scheme. His Highness's readiness to assist the Supreme Government as far as lies in his power is beyond question, but his natural reticence and reserve make it difficult to elicit his views on one material point, namely, to what extent the prospect of being invited to deliberate with other Ruling Chiefs and Territorial Magnates of British India appeals to him or to what degree he is actuated in his attitude towards collective deliberation by the reasons he has given me. That they do weigh with him cannot be doubted, for, as I have already said, His Highness's whole time is occupied in the administration of his State.

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Dated Lahore, the 17th December 1907.

From—The HON'BLE MR. E. D. MACLAGAN, Chief Secretary to the Government of the Punjab,
To—SIR LOUIS W. DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

In continuation of my demi-official letter, dated 5th December 1907, I am desired to forward herewith a copy of a letter No. 4107, dated 13th December 1907, from the Commissioner, Jullundur Division, reporting the views of His Highness the Raja of Kapurthala on the subject of Imperial and Provincial Advisory Councils.

No. 4107, dated the 13th December 1907 (Confidential).

From—LIEUTENANT-COLONEL H. S. P. DAVIES, Commissioner of the Jullundur Division,
To—The HON'BLE MR. E. D. MACLAGAN, Chief Secretary to the Government of the Punjab.

In compliance with the orders conveyed in your letter No. 2610-S., dated the 26th September 1907, I have the honour to report that I forwarded a copy of the Government of India letter No. 2314, dated 24th August 1907, regarding the measures necessary for giving the people of India a greater voice in administrative matter to His Highness the Raja of Kapurthala, on his return from Europe last month, and that I recently took an opportunity of discussing informally and privately with him the proposals so far as they concern the Imperial and Provincial Advisory Councils. I have now to report the views of His Highness as gathered during my discussion of the subject with him :—

Imperial Advisory Council.

His Highness is in favour of such a Council on the lines suggested ; but considers that half the number of members should be Ruling Chiefs or their near relations and that the remainder should be nominated from among the largest landowners in the country. His Highness would advocate the admission of only Territorial Magnates having a very large income as members of such a Council.

Provincial Advisory Council.

His Highness is in favour of the proposal, but does not consider it advisable that any Ruling Chief should be a member and is of opinion that this Council should be of a representative character, and should include landowners, influential members of the professions and mercantile community, etc.

Dated Allahabad, the 3rd January 1908 (Confidential).

From—The Hon'ble Mr. J. M. HOLMS, Secretary to the Government of the United Provinces of Agra and Oudh,
To—SIR LOUIS DANE, K.C.I.E., C.S.I., Secretary to the Government of India in the Foreign Department.

In continuation of my confidential demi-official No. 1498-C., dated 24th October 1907, I am directed to forward, for the information of His Excellency the Viceroy, the accompanying copy of a demi-official letter, dated 21st December 1907, from the Agent to the Lieutenant-Governor for Tehri giving the views of the Raja of Tehri on the proposals for the establishment of Advisory Councils.

Dated Haldwani, the 21st December 1907 (Strictly confidential).

From—E. F. L. WINTER, Esq., Commissioner of Kumaon and Agent to the Lieutenant-Governor for Tehri,
To—The HON'BLE MR. J. M. HOLMS, C.S.I., Secretary to the Government of the United Provinces of Agra and Oudh.

I have to-day personally discussed with His Highness the Raja of Tehri the proposals for the establishment of Advisory Councils contained in the letter of the Government of India, No. 2313, dated 24th August last, received with your demi-official No. 1247-C.

His Highness heartily welcomes the proposals on the understanding that they are preliminary to the association of leaders of Indian Society to a larger extent with the work of administration. Regarded as a final instalment in this direction the proposals would give little satisfaction. To the constitution of the Imperial and Provincial Councils as outlined in the letter quoted above, he has no objection to make and he is of opinion that a Ruling Chief should consider it a great honour to be nominated to the Council, he would certainly so regard it himself.

He considers that the functions of the Councils are unnecessarily restricted by clause 6 of paragraph 5 of the G. G. O., and he believes the Councils would not only be far more popular, but more practically useful, if the members were authorized to offer advice on matters connected with the administration *not* specifically referred to the Council.

Failing this he would recommend that a Ruling Chief should be elected to the Imperial Legislative Council by the members of the Imperial Advisory Council, so that he might on behalf of his fellow Chiefs approach the Government on matters of administration by means of formal interpellation. His Highness further considers it should be a *sine qua non* that all important references should be discussed by the members collectively.

Dated Rajputana, the 10th February 1908 (*Private and Confidential*).

From—Honourable Mr. E. G. COLVIN, Agent to the Governor General, Rajputana,
To—H. BUTLER Esq., C.I.E., I.C.S., Secretary to the Government of India
in the Foreign Department.

Please refer to my demi-official letter of the 13th December 1907, to Sir Louis Dane on the subject of Imperial and Provincial Advisory Councils.

Since the despatch of that letter, I have received the opinions of Their Highnesses the Maharajas of Bikaner and Alwar. The views of His Highness the Maharaja of Bikaner are embodied in a note which I enclose in original. It will be seen that the Maharaja is apprehensive that the proposed Advisory Councils may fail to exercise any real influence, unless duly recognised by legislation as a part of the constitution of the Indian Empire, but he would rather see an Imperial Advisory Council established exactly on the lines indicated in Sir Harold Stuart's letter of the 24th August 1907, than no such body at all.

His Highness the Maharaja of Alwar thinks that the Scheme on the whole is a good one and is likely to be productive of much benefit to India, but he is a little doubtful whether Ruling Chiefs would care to sit and deliberate in company with others (even with territorial magnates) who have not that status.

Major Haig says that His Highness suggested as an alternative to the proposals set forth in Sir Harold Stuart's letter that such Ruling Chiefs as might be called upon to assist the Government of India with their advice might meet together, apart from the members of other classes and should deliberate among themselves. In making this proposal the Maharaja explained to Major Haig that he was actuated not so much by regard for the dignity of Ruling Chiefs, though that is, of course, a consideration to which much weight should be given, as by a desire to see the views of the Chiefs adequately put forward. In the Maharaja's opinion the Chiefs deliberating among themselves would express their opinions freely and openly, and would not shrink from criticism of their views by members of their own order, while in a mixed assembly they would probably prefer silence to the risk of criticism of their utterances by glib vakils and representatives of commerce and industry, so that the principal object of associating Ruling Chiefs with these Councils might possibly not be fully attained.

I have already communicated my personal opinion on this subject in my letter of 13th December 1907, cited above.

The views of the Maharajas of Jaipur and Kishangurh, which are the only ones still awaited, will be forwarded on receipt.

Private.

Opinion on the reforms proposed by the Government of India.

To my mind the most important part of the reforms proposed to be introduced is that relating to the creation of an Imperial Advisory Council. As belonging to the class of Ruling Chiefs this question has also a greater interest for, and concern with, me than any of the other proposals however important they may be in themselves or for other communities. My remarks must necessarily therefore be *chiefly* restricted to matters relating thereto, (and *mutatis mutandis* to the Provincial Councils also where applicable).

Imperial Advisory Council.

2. There ought to be no doubts whatsoever of the advantages and benefits accruing from the formation and working of such a body.

3. This has in my opinion been already very successfully demonstrated though of course on a much smaller scale and in a matter of not nearly such importance at the Conference on the Chiefs' Colleges, the first of which was held in

Calcutta under the presidency of Lord Curzon himself, and the second at Ajmer in 1904 which I also attended, when not only a large number of Ruling Chiefs, but also many of the high officers of the various Departments under the Government of India, as well as a few leading officers of some of the States took an active part in its deliberations. The great interest and grasp of matters displayed there were very remarkable, as I think all who were present and also the proceedings recorded at the Conference will testify to, and the Government of India are themselves aware that apart from the liberal aid given by them and the Chiefs, a great deal of the improvement in the condition and affairs of the Chiefs' Colleges at the present time is due to the labours and proposals of that Conference.

4. Besides the reasons already given in paragraph 4 of the Home Secretary's letter in favour of this Advisory Council, I would, in all modesty, beg to point out that, matters and circumstances, differing very vastly as they do at times in British India and the territory of the Protected States, the Government in certain cases might find the proposals of the Ruling Chiefs based upon their actual experience in their own States of special value as regards British India also.

5. But the ultimate success or value of this Council and indeed its very existence depend entirely on how it is worked and used. From the genuine interest in Indian affairs and the true sympathy for the people of India which His Excellency Lord Minto has displayed on all possible occasions, we have every reason to hope that the Viceroy will do his utmost in helping this scheme forward and that, when unfortunately the time comes for His Excellency to retire from India, he will leave it on a firm footing—a body of indispensable and indisputable utility—the danger always being that, unless this was done, there may come a future Government or Viceroy who may not be as keenly interested in this Council or equally solicitous for its success, when it would stand every risk of being “shelved.”

6. I am sure we all recognize the difficulties which the Government of India have encountered in framing these proposals and that the need of proceeding cautiously and without undue haste was very apparent and bearing all this in mind I would here wish to clearly express my conviction that while I feel it my duty when invited to offer the few criticisms which are given below, it is of the utmost importance that, should it for some good reasons not be possible at present to accept them or part of them or any other suggestions which may reach the Government in this connection, it would be still advisable and decidedly better to proceed with the Imperial Advisory Council even on the lines indicated in the Government communication rather than abandon the scheme altogether, as the start will in this case have at all events been made and we must hope for further improvements in due course and possibly, as we fondly hope, during the Viceroyalty of Lord Minto himself.

7. With these preliminary remarks I now pass on to the proposals of the Government of India for the Advisory Council as enumerated in paragraphs 4 and 5 of the Home Secretary's letter under discussion, a few of which have struck me as urgently requiring some amendment and which would in all probability be termed by the public as the weak points of the scheme.

8. I have heard the opinion generally expressed and I am inclined to agree that as the members are to be called “Imperial Councillors,” the designation should likewise be the “Imperial Council” and “Provincial Council” omitting the word “Advisory.” There is sufficient distinction between the designation here suggested and the Imperial or Provincial *Legislative* Councils and the point to be specially kept in view in regard to this, whatever the ultimate decision may be, is that this Council, it is to be earnestly hoped, some day ere long will be something more and doing greater service than merely an Advisory Council.

9. The provisos that “the Council should receive no legislative recognition” nor be “invested with formal powers of any sort” and that “its functions should be purely advisory” are, assuming that they are inserted as a tentative and precautionary measure, doubtless reasonable, but in this case also it is to be hoped that as time goes on and the Council is successfully

utilized and proves its real worth under the guiding hand of Government, it will be possible at no distant date to not only recognize it by legislation, which will put it on a firm footing in the constitution of the Indian Empire, but also entrust it with powers which will considerably enhance its usefulness and increase its scope of doing good both to the Government and country.

10. There are, however, two chief points in the proposals of the Government on which in my humble opinion too much stress cannot be laid and which, I would beg respectfully to say, are serious defects in an otherwise laudable and excellent scheme and which would further altogether fail to inspire confidence in the public and at the same time gravely retard the prospects of the Councils being a success or of *real* help to the Government and the people, as it should be. I refer to the Councils "*possessing no formal powers of initiative*" and its dealing "*only with such matters as might be specifically referred to it from time to time*" (paragraphs 4, 5 and 6, respectively, of Sir H. Stuart's letter—the italics are mine). The second question, specially, it seems to me, is one to which exception might very reasonably be taken. The Council is admittedly at the present moment intended to be of an advisory nature and I would venture to point out that it is illogical not to allow any of its members to put forward, in the shape of advice, suggestions and proposals on any other matter than those specifically referred to it. It is indisputably open to His Excellency the Viceroy to accept or reject such advice and I cannot conceive what possible harm can come of it. I would even go further and state that far from that, it is more than likely that, as has actually been the case in more instances than one at the Chiefs' Colleges Conference some of the suggestions or propositions thus put forward by individual members may throw an entirely new light and be of the highest advantage, in which case I am sure that His Excellency would be the first to accept them or at any rate take them up for more mature consideration and further discussion. At all events a free and frank interchange of views on such matters cannot fail to do anything but good. Even looking ahead when supposing the Council is given voting powers it will always rest with the Viceroy to veto any such proposals and this matter could then perhaps be further safeguarded by an additional proviso something to the effect that no questions other than those specifically referred to the Council could be put to the vote except with the sanction of the Viceroy. The interests of good government, will, I submit, thus be more than amply protected and as there can be no good reason against it but rather the reverse, I could not in the circumstances too strongly urge upon the Viceroy the advisability of giving the Councils these harmless and highly beneficial powers from the very beginning and of removing these two restrictions proposed to be inserted by Government which, it may in passing be added, are also hardly in keeping with the personal attitude and sympathetic intentions of His Excellency.

11. From my limited experience both in my own State where we hold an important Conference on administrative matters once a year, and at the Chiefs' Colleges Conference, the firm impression has taken root in my mind that *collective* deliberations are of much greater advantage and value than individual consultation and while fully realizing all the difficulties I would vote in favour of the Council being called at least *once a year* and *when necessary* even oftener (at whatever place might suit best considering all the circumstances) as against individual consultations or its being called together in part. In this connection I am very glad to see in the concluding portion of paragraph 6 dealing with Provincial Advisory Councils that the Government of India themselves also attach the highest importance to collective deliberation and it goes without saying that what is true in the case of Provincial Councils is still more applicable to the Imperial Council.

12. And above all other points I attach certainly equal, if not greater, importance to the Viceroy presiding at all such sittings—even though it takes up a lot of His Excellency's valuable time—and the same remarks would apply to the Governors and Lieutenant-Governors also in regard to the Provincial Advisory Councils.

13. Beyond the above points detailed in the Government letter, I would submit two others for His Excellency's consideration.

14. I fear that the members of the Advisory Council will, as the proposals stand at present, be apt to be indifferent in giving their views for they will feel that whatever the consensus of opinion in the Council may be on any matter, it will make no difference in the ultimate decision or action of Government. To remove this impression and to give the members an increased sense of responsibility, could not an understanding at any rate be arrived at—even if it cannot be embodied in the constitution of the Council—that a question would be dropped by Government should the Council be against the measure by a certain majority—to be carefully considered and settled—say two thirds? And I think every one will concede that, when a large body of picked and influential men as will be nominated by Government after careful consideration on this Council, are against any measure in such a large majority, there must be something in it to justify their action—a point which carries great weight.

15. I think considerable difficulty will be experienced in getting some Chiefs to attend the meetings of this Council as they would not care to sit with "Commoners" at Conference and their subjects would not also like it. Could it not possibly be managed with a view to getting over this difficulty to have a sort of upper chamber, presided over by His Excellency the Viceroy and consisting only of ruling Chiefs akin to the British House of Lords? I think that this idea has a great deal in its favour from many points of view.

Legislative Council.

16. A glance at the proposed constitution of the Imperial Legislative Council will show that while the representation of all important classes and communities is provided for, accommodation is reserved only for one ruling Chief. It is admitted that the Protected States are not as a rule much concerned with the legislation enacted in this Council, but it is not at all beyond the limits of probability that some questions may arise which would be closely connected with them. Taking this into account as also the very large number of ruling Chiefs and the vast extent of territory occupied by them—scattered throughout the length and breadth of India—it is an open question whether more Chiefs (or at least *two*) should not be nominated on the Imperial Legislative Council.

GANGA SINGH.

BIKANER;
The 1st February 1908.

Dated Rajputana, the 15th February 1908.

From—The Hon'ble Mr. E. G. COLVIN, C.S.I., Agent to the Governor-General in Rajputana,
To—S. H. BUTLER, Esq., C.I.E., Officiating Secretary to the Government of India in the Foreign
Department.

In continuation of my demi-official letter of the 10th February 1908, I forward herewith a copy of a letter, dated the 3rd idem, from the Maharaja of Jaipur and of its enclosure, which contains His Highness's views on the proposal to form an Imperial Advisory Council.

Dated the 3rd February 1908.

From—COLONEL HIS HIGHNESS MAHARAJA SEWAI SIR MADHO SINGH BAHADUR, G.C.S.I., G.C.I.E.,
G.C.V.O., Maharaja of Jaipur,
To—LIEUTENANT-COLONEL C. HERBERT, I.A., Resident, Jaipur.

In continuation of my letter dated the 10th October 1907, to your predecessor, and in reply to your No 11-C., dated the 28th January 1908, I beg to append herewith my views regarding the communication addressed by the Secretary to the Government of India in the Home Department, on the subject of the formation of the Imperial and Provincial Advisory Councils and the enlargement of the Legislative Councils in India. As desired, I have given my views in regard to the Imperial Advisory and Legislative Councils only with special reference to the enlistment of Ruling Chiefs on them.

The proposal made by His Excellency the Viceroy and the Governor-General of India to establish an Imperial Advisory Council with the object of satisfying the constitutional requirements of this vast growing Empire and to associated the Ruling Chiefs and the aristocracy of the country with the Government will be hailed with delight by me and my brother Chiefs. This will give a good opportunity to the Ruling Chiefs to know the important questions of administration and reforms proposed to be introduced for the better government of the country at large.

The Ruling Chiefs are the natural leaders of the people, are immediately acquainted with their habits and modes of thought, and being in daily contact with them are perfectly able to advise the Government as to what shall be acceptable and what will be offensive and what will be for their permanent advancement.

The Advisory Council will not only keep the Chiefs in perfect touch with the schemes inaugurated by the Government, but it will further give them an opportunity to adopt and introduce similar measures in their own States for the benefit of their subjects.

Besides this, these meetings of the Advisory Councils will also enable the Chiefs to gain a wide experience which will be of use to them for the excellent opportunities offered them of exchanging ideas with their brother Chiefs and high officers of Government which they are sure to utilise for the better government of their own States. Then they will have the privilege of visiting cities and institutions new to them, and observing their management which will also considerably benefit their subjects.

It is a matter of sincere congratulation that the Government of His Excellency Lord Minto, Viceroy and Governor-General of India, and the Right Hon'ble Mr. J. Morley, the present Secretary of State, recognised the need of a Council like the proposed Imperial Advisory Council, and I believe that it will meet a want which some of us have felt. Personally, I welcome the opportunity this Council will give for free discussion and personal consultation with His Excellency the Viceroy on subjects relating to the welfare of this vast and important dependency.

1. The proposal enunciated in the memorandum has been condensed under seven heads. They have generally my approval and sympathy, but I take the liberty of suggesting a few changes which I trust will receive the consideration of the Supreme Government. In paragraph 3 of the memorandum it is stated that the existing Legislative Councils are called together only when there is legislation to be undertaken and therefore their meetings are too infrequent to offer the means of confidential and intimate consultation between Government and Ruling Chiefs, and to obviate this difficulty it is proposed to constitute an Advisory Council with a view to afford means for free, close and frequent consultation. But it is stated in paragraph 4 that this Council would be called together only occasionally for collective deliberation. Regarding this, I humbly observe that I do not very well see how the Advisory Council can serve any useful purpose unless the time for the meeting of the Council be strictly fixed, say once or twice a year, and in my opinion the place of meeting should also

be fixed. If this is not done, the meetings are likely to be more infrequent than the meetings of the Legislative Councils themselves, and I am afraid the members will lose all interest. Referring to sections (1), (5) and (6) of paragraph 5 in which it is stated that the Council should be framed for purely consultative purposes, that it should have no legislative recognition, that its functions should be purely advisory, and that it should deal only with such matters as might be referred to it, I beg to observe that for a Council of this kind to be really useful and successful it is necessary to give some weight to its deliberations. To give it some importance and authority, something should be done to give the members some formal power of initiative. It appears to me quite an anomaly that while the members of this assembly are given the high sounding titles of "Imperial Councillors" which suggests that they are a body of men far higher in rank than the members of the Imperial and the Provincial Legislative Councils, yet they are to be entrusted with no responsibility and vested with no formal power of any sort. I consider it very desirable that some responsibility and power should be given to the Imperial Advisory Council. What I mean is this that the members should have the right of interpellation granted to them. When a subject is under discussion, if necessity arises to gather information on any cognate subject, the members are according to the proposed rules barred from touching on any other topic without the express permission of the Government. This will prevent a question to be discussed in all its bearings. Moreover without any responsibility and power, the members will do their work half-heartedly and the result will be anything but satisfactory.

2. Referring to section (3), paragraph 5, in which it is stated that the Council should consist of about 60 members for the whole of India including about 20 Ruling Chiefs and 40 territorial magnates, I beg to say that the nomination of members of the trading community to the Imperial Advisory Council may not be acceptable to the Ruling Chiefs, who are conservative in their ideas and fight shy of any innovation and they would in all probability object to the enlistment of the trading community to the Council. They would not like to sit on an equality with those of the trading community or of the artisan class, as it would be contrary to all native ideas of suitability and propriety. Further the feeling of constraint that is likely to arise when the assembly is of such a promiscuous character would prevent frank and honest expression of opinion. In the Imperial Advisory Council, therefore, land holding classes should make up the deficiency of the Ruling Chiefs.

Moreover, there are about six hundred Chiefs all over India and with the spread of education many Chiefs have begun to take interest in public matters, so there would be no difficulty in getting the required number of Chiefs on the Imperial Advisory Council. In my opinion, if the number of Chiefs do not exceed the number of magnates, they should at least be equal, as in many cases the interests of the Ruling Chiefs and those of the magnates are not identical. There might be this objection that the number of magnates has been fixed with a view to the representation of a larger population, which when compared with that of the Native States, stands in the proportion of two to one. But what I wish to point out is this that the Ruling Chiefs have a greater stake in the country, therefore, they should be more largely represented in the administration of the country.

3. I fully agree to the proposal that the members should hold office for a term of five years and that they should be eligible for re-appointment.

4. Referring to paragraph 7, that the proceedings of the Council when called together for collective consultation should, as a rule, be private, informal and confidential, I have to observe that collective consultation of such a large body can never be private and confidential, as it is likely that many of the Ruling Chiefs would like to consult their ministers before committing themselves to any definite pronouncement of their views on a subject of importance. It is thus apparent that hundreds of people must know about the deliberations of the Council, though they may never be published in the newspapers. I would, therefore, suggest that all ordinary business of the Council be transacted publicly except where Government see the necessity of confidential advice. I am of opinion that no individual member should be consulted by writing or otherwise as collective consultation is decidedly the more useful of the two and is best adapted for discussion of a subject in all its bearings. It should also be borne in mind that if a part of the Council is only consulted, offence will surely be given and the members might on this pretext absent themselves in future. If however the assembling of such a large number of members at short notice when the Council is not in session is considered impracticable, the Council may be allowed to elect from among themselves a standing Committee whose duty it will be to assemble at any time when the Government has important matters on which it wishes an opinion expressed. This standing Committee will be merged in the Council when it is in session. If such a Committee is elected by the Council itself to act for it, the Government will be under no necessity to consult privately members and this will avoid all risk of causing heart-burning.

5. There is another little matter which will require careful handling, I mean the order in which the members of this Council are to be seated. To obviate what may tend to interminable disputes, threatening to disturb the equanimity of the Council, it would be desirable to have no order of precedence at all. If the members were seated in a circle so that all seats were alike the evil indicated above might be avoided.

6. May I take the liberty to observe that in the scheme for the enlargement of the Legislative Council no place whatever is assigned to the Ruling Chiefs. I would only speak for Rajputana, a province having a population of over 11 millions of people with 18 Ruling Chiefs, which has thus good claims for representation on the proposed Legislative Council.

Referring to sections C and D of paragraph 12, I beg to observe that the Ruling Chiefs, Princes and great land-owners of the Punjab, Rajputana, Bombay, Madras, Bengal, Eastern Bengal and Assam, the United Provinces and Central Provinces should elect from among themselves eight Ruling Chiefs or land-owners of sufficient importance and dignity and thus represent the interests of the nobility and aristocracy of India. The Ruling Chiefs of India have always been loyal and they belong to the oldest aristocratic families in India and their claims should, therefore, not be overlooked.

Dated Camp, the 4th March 1908 (Confidential).

From—MAJOR SIR FRANCIS YOUNGHUSBAND, K C.I.E., Resident in Kashmir,

To—The Secretary to the Government of India in the Foreign Department.

In giving my opinion last autumn on the Advisory Council Scheme, I said that while I cordially agreed with the general idea of associating the Chiefs more closely with us in the government of this country I feared that some Chiefs might get wind in their heads, and put forward impossible demands. I now hear that a certain Chief, who belongs to a small clique of "advanced" Chiefs who have been to England, has expressed the view—which is probably shared by others of this clique—that Chiefs should be allowed to bring up subjects of their own choosing at the Council, and that the decision on any question should go by a majority of votes.

The proposition is utterly preposterous to those of us who know that these same "advanced" Chiefs do not allow a scrap of power to their own nobles but keep them most rigidly in the background. But it is a very good example of the ideas that *will* be put forward if they are not checked at the outset. Such ideas do not originate in India. They are imported from England where no doubt they appear reasonable enough. But I hope they will never be given encouragement in this country, for it would be too absurd to have Chiefs who in their own States keep all the power into their own hands making demands on us for rights they deny to their own people. And I hope also that when selections are made for the Council due consideration will be given to the old-fashioned Chiefs whose loyalty to us is much more certain than that of the Europe-going Chiefs and whose support is of much more value, because they are still on the solid ground in touch with their own people and not up in the air like balloons—isolated and inflated.

Dated Rajputana, the 17th March 1908 (Secret and Confidential).

From—The HON'BLE MR. E. G. COLVIN, Agent to the Governor-General in Rajputana,

To—The Secretary to the Government of India in the Foreign Department.

In continuation of my letter, dated the 18th February 1908, I forward herewith a copy of a letter, dated the 2nd March 1908, and of its enclosure, from the Maharaja of Kishangarh which contains His Highness's views on the question of the proposed Advisory Councils.

No. 110-C., dated the 2nd March 1908 (Private and Confidential).

From—CAPTAIN HIS HIGHNESS MAHARAJA MADAN SINGH of Kishangarh,

To—LIEUTENANT-COLONEL C. HERBERT, Resident in Jaipur.

Kindly refer to Captain St. John's private and confidential demi-official letter No. 6-C., dated the 15th October 1907, and your subsequent reminder, regarding the proposed creation of an Imperial Advisory Council.

I am sorry the paper has been before me for a longer time than I had wished, and that the reply to your letter has been so much delayed.

I am, however, glad that in the meantime I have had the advantage of discussing the whole subject with Mr. Colvin and yourself. I have since very carefully considered the proposed scheme, and my views, which I have expressed quite unreservedly, are appended herewith in the form of a memorandum. I have confined my observations mostly to that part of the scheme which relates to the work of Ruling Chiefs on the Imperial Advisory Council.

I should not forget to thank the Government of India for consulting me on such an important and far-reaching question.

MEMORANDUM.

I think without hesitation that the scheme is a good one based on sound principles of polity. It is a commendable idea that of associating the Chiefs in the consideration of questions which affect the well-being of India at large.

2. I apprehend considerable difficulty in the actual working. To my mind collective consultation and free expression of opinion so far as the Chiefs are concerned are only possible when they sit by themselves, and apart from others who have not that status, however exalted their position. Where consciousness of inequality exists free discussion and kindly criticism are doubtful. Individual consultation which at present is restricted may be extended to Ruling Chiefs, but without sitting together the benefits of discussion will be lost.

3. Chiefs even now consider it their duty, if need arises, to explain to their subjects the acts, intentions and objects of the Imperial Government. Apart from the question in what light it would be received by the Chiefs, it is not clear how they could be made an agency for diffusing correct information, as is suggested in the scheme, to people who are not their subjects.

4. Though initially a body for consultative purposes once its usefulness is established, it should, I think, be invested with definite powers carrying with them a certain amount of responsibility.

5. The Chiefs would much more appreciate the membership if appointments are made by His Majesty the King-Emperor.

6. Considering the extent of the country twenty Ruling Chiefs is none too large a number. It is presumed rules for the conduct of business, which are sufficiently elastic, will be framed in due course.

7. What subjects will be submitted for the consideration of the Imperial Advisory Council has not been made fully clear. Presumably larger subjects than plague and education such as affect British India and the territories of the Chiefs will be brought in : in either case difficulties are likely to arise. The desire to pry into the affairs of Native States may not be encouraged amongst outsiders.

8. The conclusions arrived at by the Council, a wing of which I am of opinion should consist exclusively of Ruling Chiefs and should sit apart, should after a certain stage cease to be confidential. But this should rightly be left to the discretion of Government.

First Report of the Committee appointed to consider the Council proposals.

The proposals referred to us relate to five matters, namely :—

- (1) an Imperial Advisory Council ;
- (2) Provincial Advisory Councils ;
- (3) the Imperial Legislative Council ;
- (4) the Provincial Legislative Councils ;
- (5) the discussion of the Budget, and other proceedings in the Legislative Councils.

These matters are for the most part distinct, and we think that it will be convenient if we discuss them separately. The present Report deals only with the first proposal.

IMPERIAL ADVISORY COUNCIL.

In August 1906 His Excellency invited the Committee presided over by Sir A. Arundel to consider the desirability of establishing a Council of Princes, and it is out of this suggestion that the proposal for an Imperial Advisory Council has emerged.

The majority of the Arundel Committee were of opinion that it would be desirable for the Viceroy to summon, for purposes of consultation, selected Chiefs from time to time to discuss particular subjects, and on occasions to associate with them leading landholders from British territory, whose high status would justify their admission. They thought that it would be better to begin on wholly informal lines, and to refrain from defining with any exactness the constitution of the Council, the range of its deliberations or the number of its members. Experience alone, they said, could show in what direction natural growth might be looked for and what procedure was likely to secure real vitality.

Sir Denzil Ibbetson, however, differed from these conclusions. He thought that there was political danger in associating the Chiefs together on a Council of Chiefs, and he recommended instead a Council of Notables on which the Chiefs should be represented. This proposal was in substance adopted by the Government of India and recommended by them to the Secretary of State in their despatch of 21st March 1907.

The Secretary of State in his reply (17th May 1907) laid the greater stress on Provincial Advisory Councils, but he accepted the principle that Ruling Chiefs should be brought into closer touch with the Government and expressed the hope that this might be done in some way. As the result of further discussion the proposal put forward to local Governments was for the creation of an Imperial Advisory Council of about 60 members in all, of whom 20 were to be Ruling Chiefs and the rest Territorial Magnates.

This is the proposal which has been circulated and to which the comments before us relate. It will be convenient if we first summarise these comments and then state the conclusions to which we have come.

2. The opinions of local Governments are divided. The views of Madras are wholly adverse to the scheme ; Bombay cordially agree with the principle involved, but demur to the combination of Chiefs and Territorial Magnates, and suggest an Advisory Council of Ruling Chiefs for consultation on questions affecting them alone ; Bengal approves and proposes a Council, half of which would be composed of great landlords, while the other half would be equally divided between Ruling Chiefs and representatives of commerce and industry and the learned professions ; the United Provinces approves and suggests a Council comprising 20 Ruling Chiefs, 25 Territorial Magnates, and 15 persons selected for general eminence. The Punjab are opposed to a mixed council, but think that a smaller Council of Princes to discuss matters of imperial and

general importance might be of advantage, and suggests that to this council there might be admitted a few men of wide reputation throughout India as statesmen. The Chief Commissioner of the Central Provinces takes a view which is substantially the same as that of the Punjab. Burma approves generally of the scheme, and makes suggestions as to the representation of Europeans and Eurasians and the inclusion of Shan Chiefs and Burmans of good position. Eastern Bengal and Assam accepts the proposal, and mentions the provincial interests which should be represented on the Council.

3. The bulk of the non-official opinion is in favour of the general principle of associating the people more directly with the Government, but there is no unanimity in regard to the means by which this may be attained, and the leading features of the Government proposal are generally condemned on various grounds. The main objections are:—

- (1) that Ruling Chiefs will not sit with subjects of the British Government, who are necessarily of inferior status ; and
- (2) that the Chiefs have no knowledge of the conditions of British India, and that they would for that reason be useless either for the purpose of advising the Government, or diffusing information to the people.

4. The views of a number of Ruling Chiefs have been ascertained by letter and by personal consultation, and several political officers have also been consulted. The majority of Ruling Chiefs confirm the first of the objections referred to in the last paragraph and are opposed to the formation of a Council on which Ruling Chiefs and Territorial Magnates would sit together. Nearly all the political officers are of the same opinion.

5. The Committee have carefully considered and discussed these criticisms. They are of opinion that it is not advisable, at least for the present, to establish an Imperial Advisory Council such as has been proposed, but they think that it is desirable that there should be a Council of Chiefs. Their conclusions on the material points can best be stated in the form of answers to the following questions:—

Question I.—Should there be an Imperial Advisory Council composed of Ruling Chiefs and Territorial Magnates of British India ?

Answer.—In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which the Government of India's proposal has met with in British India, the Committee consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interests may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present conditions the Committee are of opinion that an attempt to create a mixed Council in any form would result in failure.

Question II.—Should there be an Advisory Council composed exclusively of Notables of British India ?

Answer.—The Committee think that if an experiment is to be made in the direction of Advisory Councils it should be made in the first instance by the institution of Provincial Advisory Councils, and that the question of an Imperial Council of Notables of British India only should not be entertained until the success of that experiment has been vindicated. It will always be open to the Viceroy to ask for the advice of members of Provincial Councils if he so desires.

Question III.—Should there be an Advisory Council composed exclusively of Ruling Chiefs ?

Answer.—The Committee believe that the announcement by the Government of India of their intention to associate Ruling Chiefs with the Governor General in the guardianship of common and Imperial interests will be a measure of appreciable political advantage ; they are impressed with the almost universal

approval with which the principle underlying the published proposal has been received ; and they are of opinion that to abandon the entire scheme because some of its incidents have been adversely criticised would cause general disappointment. There may be room for doubt whether sufficient materials for regular collective consultation will always be forthcoming, but there are certainly some questions on which the co-operation of the Chiefs would be of value, and they therefore recommend that a Council of Ruling Chiefs should be created.

Question IV.—*In what manner should such a Council be called into existence ?*

Answer.—As to this the Committee observe that legislation is not necessary and would not be appropriate ; they consider that the Council should be created in the exercise of the prerogative which entitles the Sovereign, and the Viceroy as his representative, to choose his own advisers in respect of matters which are under his control as the head of the Government. This disposes of the various suggestions put forward in the papers as to local recognition, statutory powers, election of the whole or part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion, and so forth. It puts the scheme on its proper footing and leaves it to develop, in the words of the former Councils Committee, “by the natural process of growth by which all successful political institutions have come into existence.”

Question V.—*Who are to be eligible for appointment to the Council ? Is it to consist only of Chiefs under the Government of India, or should it include also Chiefs immediately subordinate to local Governments ?*

Answer.—With reference to this question the Committee observe that the Imperial Privy Council proposed by the Government of India in 1876, and also the body of titular Councillors actually appointed in 1877, included Chiefs subordinate to local Governments, as well as Chiefs directly under the Government of India. In view of this precedent, the Committee are disposed to think, as a matter of general policy, that all Ruling Chiefs should be eligible for appointment to the Council. They think that Chiefs should not be debarred from the honour of membership merely because for administrative reasons they are under the immediate control of a local Government, and they desire to observe in this connection that the Council will not be concerned solely with questions affecting the relations of Government and Native States. They recognise, however, that there may be objections to the proposal of which they are not aware.

Question VI.—*What should be the number of the Council ?*

Answer.—The Committee suggest that it should consist of about twenty Chiefs, but they desire to indicate their preference for as small a number as is reasonably practicable having regard to the claims and traditions which have to be considered. They observe that the Imperial Privy Council proposed by Lord Lytton included only 12 Chiefs, and that his Lordship said that he could not recommend a larger number “without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office, or to Chiefs not wholly fitted for the dignity of Councillors.” Eventually only eight Chiefs were given the title of Councillor of the Empress.

Question VII.—*How should the members be appointed ?*

Answer.—As the Council should, in the opinion of the Committee, be created in the exercise of the Viceroy's prerogative, it follows that neither hereditary tenure nor election would be admissible, and that all the members should be nominated by the Viceroy.

Question VIII.—*What should be the period of office ?*

Answer.—The Committee suggest that members should be appointed, during the Viceroy's pleasure, but, subject thereto, that their period of office should not ordinarily exceed 5 years. They think, however, that members should be eligible for reappointment at the end of that period.

Question IX.—*Should the Council be given any power of initiative, or should their discussions be strictly limited to matters formally referred to them?*

Answer.—On this point the Committee recommend that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Viceroy to refuse such a request.

Question X.—*What subjects should be referred to the Chiefs for consideration?*

Answer.—The information before the Committee is not of a sufficiently definite character to enable them to make any specific recommendation on this point; they think that it must be left, for the present at any rate, to the unfettered discretion of the Viceroy.

Question XI.—*Should the Council meet periodically, and, if so, at what intervals?*

Answer.—The opinions on the subject, both those of the Chiefs and those sent up by local Governments, are in general agreement that the Council should meet once a year at least. It has, however, been pointed out by many critics that the expense of assembling the Council would be considerable, and could not fairly be charged either on the taxpayers of British India or on those of the Native States. The Committee observe, moreover, that some of the more important Chiefs dislike the idea of collective consultation, that they hint at difficulties of precedence, and evidently consider that free discussion is only possible among equals. These Chiefs express a preference for consultation by letter or for the appointment of certain Chiefs to offer advice when they think it necessary. They do not wish to be invited to attend meetings, both for the personal reasons already suggested, and because of the expense and inconvenience and the interruption of their regular administrative work. It appears to the Committee that there is much force in these objections. It is suggested that they might be got over by holding a meeting in the first instance for the purpose of inaugurating the Council and of giving opportunity for an informal interchange of views, and then conducting the business of the Council by means of correspondence, unless some occasion should render it desirable to call together the entire body. It is thought premature to make any arrangements for deliberation by Committees at the present stage.

Question XII.—*What honours and precedence should membership of the Council confer?*

Answer.—In their despatch of 5th October 1876 Lord Lytton's Government wrote: "We think that the members of this Council (Imperial Privy Council) should be entitled, *ex-officio*, to a salute of 15 guns, and we are disposed to suggest that they should be designated 'Right Honourable' and should be entitled to the same privileges as Privy Councillors of England or Ireland. The status of the Council, however, is a matter which we desire to leave entirely in the hands of Her Majesty's Government, feeling sure that they will share with this Government the sense of its importance to Imperial interests." In his despatch of 20th November 1876 Lord Salisbury demurred to the formal institution of a Privy Council, and expressed his preference for a title which would require "no honorary prefix." In accordance with this decision the title of "Councillor of the Empress" conferred no special precedence and did not affect salutes. In their despatch of 13th July 1905 Lord Curzon's Government proposed the formation of a Council of Princes, the members of which were to be called "Most Honourable" and to have the initials P. C. or C. P. after their names. The Committee think that this is a matter for the decision of His Excellency the Viceroy, and they have no specific recommendation to make on the subject.

Question XIII.—*Should the proceedings of the Council be published?*

Answer.—The proposal made in paragraph 5 of the Government of India's letter of 24th August 1907, that the proceedings of the Council "when called

together for collective consultation should, as a rule, be private, informal and confidential, and they would not be published, although the Government would be at liberty to make any use of them that it thought proper," has been the subject of much attack, and it has been suggested that the meetings of the Council should be open to the public, and that their debates should be reported like those of the Legislative Council, or at any rate that a statement of the subjects discussed and the conclusions arrived at should be made public in such a form as might be thought advisable by the Council. The Committee do not think it necessary to discuss these suggestions. In their opinion the proceedings of the Council when invited to assemble for collective consultation should ordinarily be confidential ; but it would rest with the Viceroy after consultation with the Council to cause a statement of the subjects discussed and the decisions arrived at to be published.

6. In conclusion the Committee would suggest for His Excellency's consideration that this Report should now be referred to the Foreign Department. On some of the points discussed in it the Committee have not had complete information before them, and they think it desirable that the Foreign Department should be asked to record any observations they may have to make before the Report is discussed in Council.

18th July 1908.

(Signed) H. E. RICHARDS.

„ H. ADAMSON.

„ J. O. MILLER.

„ W. L. HARVEY.

„ J. S. MESTON.

PROVINCIAL ADVISORY COUNCIL.

In paragraph 1 of my note on the Imperial Advisory Council I have noticed the stages by which that proposal came to assume the shape which it has in our letter of 24th August 1907. At the meeting of the large Committee of the India Council there referred to I was called upon to explain the views of the Government of India and the difficulties felt regarding the meaning of the Secretary of State's despatch of 17th May 1907. After some discussion Lord Morley, who was presiding, decided that there was to be an Imperial Advisory Council even if it should prove a merely ornamental institution. The Committee then proceeded to consider the question of a Provincial Advisory Council. Much desultory conversation took place, but most of the members appeared to be in favour of making that Council a large representative body. I put to them some of the objections which are set forth below, but no definite conclusion was arrived at, and I was merely asked to draft something on the lines decided by the Committee. The result was paragraphs 6 and 7 of the draft which was sent out for consideration by the Government of India. The other members of the small Committee,* and Lord Morley himself in personal discussion with me, accepted my view that the Provincial Advisory Council should be a comparatively small body. This was indicated in the draft by the words "which should not exceed the dimensions compatible with confidential consultation." These words were struck out by the Government of India.

* Sir William Lee-Warner and Sir Charles Lyall.

2 The opinions of local Governments are analysed at pages 6-12 of the large print précis. The general remarks of Madras, Bombay, Bengal and Burma on pages 1-3 should also be read. The Madras Government demur to the published proposals for the reasons given by them on page 7 of the précis. They go on to mention a singular scheme which appears to have been adapted by Sir Bhashyam Aiyengar from the Tribunate which existed in France under the Consulate and in the early years of the Empire. This they put aside as altogether premature, and propose the formation of two General Assemblies modelled upon the Representative Assembly of Mysore. In a private letter addressed to His Excellency Sir Arthur Lawley has since abandoned this scheme, which is summarised on page 9 of the précis. It is needless therefore to discuss it at length. The Bombay Government consider that the practical success of the Council must depend on the personal weight and influence of its members, each of whom should as far as possible represent some important class or interest. Their number should not exceed 20; all should be nominated for three years and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five members should be appointed for Sind. The Lieutenant-Governor of Bengal proposes a Council of about 30 members representing large and small landholders, Feudatory Chiefs, European and Indian commerce, tea and indigo, the professions, the University, the district boards and the municipalities. The United Provinces Government suggests that the Council should consist of 35 nominated members including representatives of the province on the Imperial Council, and four elected members of the Provincial Legislative Council, the balance being made up by representatives of land, industry, commerce, planting community, the professional classes and educational and religious interests. "The Council should be free to choose its own President and Secretary, and conduct its deliberations in the absence of any Government official". It should be summoned at least once a year and on other occasions at the request of not less than one-third of its members. The Lieutenant-Governor of Burma approves of the scheme as a general measure of policy but considers that Burma is not yet ripe for such a measure. He is however willing to form a Council of 20, the composition of which is sketched on page 11 of the précis. The Lieutenant-Governor of Eastern Bengal and Assam thinks it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings. His scheme of such a Council is based upon his proposal that every district should have an Advisory Council selected by representative associations. He suggests that the members of the Legislative Council

Line 26 from the end of paragraph 6 of the India Office draft.

should form the nucleus; that each district Advisory Council should elect a member; and that "representatives of other interests should be invited to attend." This would give a Council of between 40 and 50 members. The replies of the Punjab and the Central Provinces have not yet reached us.

3. The papers sent up by the local Governments disclose a wide range of opinion and suggestion. Thus we have from Madras—

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| Précis, pages 11, 21, 33. | (1) Sir Bhashyam Aiyengar's scheme of a Tribunate coupled with a reduced Legislative Council. |
| Précis, page 12. | (2) A proposal by Rajaratna Mudaliyar on the lines of the Mysore Assembly. |
| Précis, page 15. | (3) The scheme of the Board of Revenue for a Council of 25 composed of 17 non-official members of the Provincial Legislative Council and 8 others, 6 of whom should represent land. |
| Précis, pages 6, 19, 21. | (4) Mr. Atkinson's proposal that the Legislative Council should be used for advisory purposes. <i>Vide</i> also the opinions of Messrs. Graham, Rice and Jackson. |
| Précis, pages 17, 18, 19, 21, 22. | (5) Several schemes based on representation of occupations such as land, commerce, the professions, etc. |
| Précis, pages 13, 14, 16, 17, 18, 20, 21. | (6) Several proposals based on representation by districts or groups of districts. |
| Précis, pages 14, 17, 19, 20, 21. | (7) Suggestions for the appointment to the Council of retired Indian officials, State Diwans, etc. |
| Précis, pages 15, 20, 21. | (8) Suggestions for election by district boards or district advisory Councils. |

4. The enclosures of the Bombay letter contain comparatively few detailed constructive proposals. We find there—

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| Bombay Précis, page 9. | (1) A curiously composite and heterogeneous scheme by Mr. Desai for a Council of 35 including "leaders of classes, castes, races and their priests". |
| Bombay Précis, page 10. | (2) A proposal by the Commissioners of Divisions for a small Council of "not less than ten" representing land, commerce, the professions and retired officials. |
| Bombay Précis, page 10. | (3) A suggestion by Mr. Atkins, Commissioner, Northern Division, that the Council should be "very small and select" and should consist "exclusively of men of the highest capacity and reputation as Indian statesmen". |
| Bombay Précis, page 11. | (4) A Council of 40 designed by the President, Broach Municipality, to represent land, industry, commerce, the professions, municipalities and administration. |
| Bombay Précis, page 11. | (5) An opinion by the Aga Khan that the Council will have little to do and that its formation should be deferred "until people take more interest in public affairs and experience has been gained of the working of the Imperial Council." |
| Bombay Précis, page 12. | (6) A proposal by the Bombay Presidency Association that land, commerce, industry, capital and the professional classes should be represented by a commensurate number of elected members; that the Council should be free to suggest action and to state objections in respect of all important measures; and that it should have an absolute veto if unanimous, and a suspensory veto or power of alteration if a two-thirds majority are opposed to a Government measure. |

5. The Bengal opinions are not particularly illuminating—

- (1) The late Maharaja Jotindra Mohan Tagore proposes a Council of 3 representing all interests.

- (2) Mr Abdur-rahman suggests 25 and would, as a rule, exclude members of the Provincial Legislative Council on the ground that their presence would promote fruitless discussion.
- (3) The National Muhammadan Association put the number at 40.
- (4) The Bengal National Chamber of Commerce take much the same line as the Bombay Presidency Association.
- (5) The Orissa Association would have half of the Council elected by Municipalities and district boards and recognised public associations.
- (6) The British Indian Association propose a Council of 35 on which "all the different districts of the province should be adequately represented."
- (7) The Chamber of Commerce ask for 7 European members representing various interests.

6. The proposals sent up by the United Provinces Government belong to one or other of the following types.

- (1) A nominated Council of 25 or 30 members representing land, commerce, capital, industry and the professional classes. (British Indian Association of Oudh, Allahabad University, Raja Muhammad Ali Muhammad Khan, Raja Partab Bahadur Singh, Rai Sri Ram Bahadur, Rai Sundar Lal Bahadur and several officials.)
- (2) A Council of 25 or 30 wholly or partly elected by landholders' associations, municipal and district boards, University graduates, etc., (Sir Faiyaz Ali Khan, Munshi Madho Lal, Raja Ram Pal Singh).
- (3) A Council of 64 members, 48 elected by district boards and 16 nominated by Government. (Rai Nihal Chand Bahadur.)
- (4) A nominated Council of 50, including 11 representatives of Oriental learning Hindu and Muhammadan, and 24 smaller landholders, one from each district of half the province in alternate terms. (Yusuf Ali, Deputy Commissioner, Sultanpur.)

7. Among the Burma opinions there appear the following proposals.

- (1) A Council of 20, the bulk of whom would be Burmese, mainly retired officials, while the remainder would represent racial, commercial and landed interests. (Sir George Scott, Maung Ba Tu, Hon'ble Mr. Stikeman, Hon'ble Mr. Roberts, Chamber of Commerce.)
- (2) A Council of from 20 to 25 members some of whom would be elected. The proposals for election vary greatly. Most people propose that the Chamber of Commerce and similar public bodies should elect their representatives, and some suggest that 16 members should be elected for divisions by municipalities or committees of village headmen.
- (3) Large Councils of 60 or 80 members are proposed by Mr. Houghton, Commissioner, Arakan, and Major Stone, Deputy Commissioner, Akyab.

The best opinion seems to be that of Messrs. Gates, Cholmeley, Dawson, Major Maxwell, Lieutenant-Colonel Elliott and the Honorary Magistrates of Rangoon who are opposed to the creation of a Council in Burma on the ground that the country is not ripe for it, that the trading community is already well represented on the Legislative Council and that the agricultural community could not be represented at all.

8. Taking a more general view and grouping the opinions by classes I think they may be summarised somewhat as follows—

- (1) The educated and professional classes contemplate a rather large statutory Council, wholly or partly elected so as to represent a

variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers which would include an unlimited initiative, power to ask questions and call for information and papers, and an absolute or suspensory veto on Government proposals. By no means all the opinions go these lengths, but they tend in that direction.

- (2) The landholders are mainly concerned with securing adequate or preponderant representation for themselves but many of them make much the same proposals as the educated class. The Maharaja of Benares puts forward the suggestion, which has been adopted by the United Provinces Government, that the Council should have its own President and Secretary, Sir Faiyaz Ali Khan proposes an elected Council, the Raja of Malabar pleads for legal recognition, periodical meetings, public discussion, and election of members. The British Indian Association advocate district representation, power of initiating questions and publication of opinions.

United Provinces
précis, page 4.

Bengal précis, page
6.

- (3) The Muhammadan opinions are few in number and not particularly instructive. In Madras Nawab Muhammad Raza Khan suggests that there should be two members for each district and that the landed and commercial classes should have the largest voice, while Mr. Azizuddin, Collector of South Canara, does not think the Council likely to be of any use. Of the Bombay Muhammadans the Aga Khan would, as is noted above, defer the formation of Provincial Councils while Mr. Ibrahim Rahimtoola objects to nomination and recommends that the Council should have statutory recognition and should be recruited largely from the educated classes. The Bengal opinions do not seem to be of much value. The Central Muhammadan Association suggest, rather at random, a Council of 40; and Nawab Abdurrahman recommends a Council of 25 including at least four Muhammadans. The Nawab of Murshidabad lays stress on the claims of the educated classes, thinks that the Council should have the power of initiative and makes the sensible suggestion that their deliberations should take place in private and that only their conclusions should be published. In the United Provinces the most weighty and characteristic opinion is probably that of the Trustees of Aligarh who merely ask for "due representation" for Muhammadans the powers of initiating proposals and the right to request information. The Raja of Mahmudabad proposes eight Muhammadans in a Council of 25, and Sir Faiyaz Ali Khan four in a Council of 30.

Précis, page 13.

Précis, page 18.

Précis, page 11.

Précis, page 13.

Précis, pages 5 6

Précis, page 5.

9. The general impression left upon my mind by the opinions is that most of the writers had no very definite idea of what they were writing about. The whole thing has a flavour of unreality. One feels that the people whose opinions one reads have neither the experience nor the imagination requisite to qualify them to give valuable advices. Speaking generally neither non-officials nor officials seem to have formed a clear conception of what a provincial advisory council should be, what sort of questions should be referred to it, and how its work should be done. They have therefore delivered themselves more or less in the air, and we may safely put the whole body of opinions aside and concentrate our attention on the recommendations of the local Governments. In the first place we may clear the ground by rejecting the Madras proposal which Sir Arthur Lawley has definitively abandoned. Nor need we consider the Eastern Bengal and Assam scheme of a Provincial Council based on election by district Advisory Councils. The question whether such district Councils should be formed will be raised by the report of the Decentralization Commission and it would be premature to go into it now. Thirdly, as regards the Punjab and Burma, which stand rather apart, I think we may accept the views of the local Governments without much hesitation. Sir Herbert White says that Burma is not ripe for an Advisory Council; the best opinions confirm his view; and it would clearly be a mistake to insist upon his creating such a body under protest. The Punjab letter has not

reached us yet, but I have talked the subject over with the Lieutenant-Governor and he has sent me a note setting forth his provisional opinions. The question in the Punjab is wholly one of personnel. It is doubtful whether suitable councillors can be found—if they can, I understand that Sir Louis Dane will be ready to appoint a small Advisory Council.

10. We come then to the question what sort of Advisory Council should be constituted for Madras, Bombay, Bengal, the United Provinces and possibly the Central Provinces, the report from which has not yet come in. Should it be a large Council of 30, 35, 40 or 50 members based on the principle of giving representation to a number of interests and possibly to localities such as divisions, districts or groups of districts? Or should it be a small body selected primarily with reference to individual qualifications and personal distinction or influence, and only secondarily with reference to the representation of particular interests? The preponderance of opinion in the India Council, among local Governments, and among the persons consulted by them, is in favour of the larger type of Council. Bombay alone advocate a small body, not exceeding twenty, for the reason that the practical success of the Council must depend upon the personal weight and influence of its members. Their views derive some support from the joint report of the Commissioners to the effect that the number should be small, but not less than 10; from the opinion of Mr. Atkins quoted above; and from Mr. Ibrahim Rahimtoola's remark that "the result of consultations and round-table conferences will be eminently satisfactory and will lead to smooth and better government." A "round-table conference" must obviously be a small body.

Precis, page 10.

Précis, page 10.
Bombay opinions,
page 144

11. Taking as the type of a large Council the body of 35 persons proposed by Sir John Hewett I confess I am unable to understand how such an institution can work successfully. It seems to me that it is likely to be either a dummy or a Duma, and that the chances are in favour of its developing into the latter. If, as is proposed, the Council is "free to choose its own President and Secretary and conduct its deliberations in the absence of any Government official" it is certain to be captured by the Congress, the leaders of which will find in it an organization admirably adapted to their purposes and calculated by its very existence to close the gap in their own ranks. It will hold frequent sittings, pass resolutions, publish speeches, ask for information and papers and pose as the candid friend of the Government of which it will be in reality an insidious and embarrassing critic. It could not be dissolved at a moment's notice like the Russian Duma, and to refuse to summon it at reasonable intervals would be a confession of failure and would be readily defeated by a demand for a meeting on the part of one-third of the members. If it is said that a nominated body will not behave in the manner suggested and that the members will be chosen for their moderation and reasonableness, I would reply that with a Council of 35 nomination will give much the same results as election. You cannot nominate 35 nonentities, nor can you count on securing 35 moderate men. The principle of representation forms an essential part of the scheme and the representatives of "the professional classes and educational and religious interests" must be leading men of their kind. If they are leaders they will hold advanced views and will be continually developing them in order to retain their hold on their constituents. The political complexion of a large Council in which the debates must necessarily be formal will depend upon the "men of academic distinction who are practised speakers"* and not upon the landholders and commercial members, though the papers contain plentiful indications that some of the landholders will be ready enough to follow the lead of the educated classes. It seems to me therefore almost inevitable that an Advisory Council constituted as proposed by the United Provinces Government should adopt an attitude of antagonism to the Government.

Précis, page 10.

* Raja Peary
Mohan Mukherji,
Bengal précis, page
3.

12. In any event the position of a large Provincial Advisory Council in relation to the Provincial Legislative Council is likely to be one of some difficulty. The Advisory Council will be half as numerous again as the non-official members of the Legislative Council; the members of the former will be nominated, those of the latter elected; the smaller body will be the more distinguished or at any rate will be so regarded. If the two bodies agree in taking the popular view of most questions the Advisory Council will be not only superfluous but a source

of positive embarrassment to the Government. The most will be made of the fact that both the representatives of the people and the Government's own nominees are against it, and the process of manufacturing public opinion by suppressing all views but one will be greatly simplified and facilitated. If on the other hand the Advisory Council takes the part of the Government it will be vigorously denounced in the press as a reactionary body and all experience goes to show that the members will not stand that ordeal for long. Even Indian journalists are exceedingly sensitive to personal attack: territorial magnates and commercial men regard newspaper abuse with positive terror and will shape their course accordingly. Sooner or later therefore, whether by persuasion or by compulsion, a large Advisory Council is bound to fall into the hands of the popular party.

13. Nor is it easy to see what use could be made of such a body. Thirty-five is too large a number for personal discussion round a table. There would have to be formal debates, long set speeches, resolutions, amendments, votes, in short all the paraphernalia of a popular assembly which would be dominated by the lawyers and professional politicians who could not be entirely excluded. If the Council were wanted to advise on an emergency it could not be got together in time, nor would it be able to arrive at a prompt decision. Either it would split up into groups so that no collective finding would be possible, or the whole body would follow the most fluent and plausible speaker in advocating the easiest and least unpopular line of action. Confidential discussion would be out of the question; some one would be sure to disclose the substance of the debate to a popular newspaper and the possibility of this happening would deter many of the members from speaking their real minds.

14. For these reasons I am decidedly of opinion that the type of Provincial Advisory Council to be created should be that indicated by the Government of Bombay. To put it in another way, what we want to get is a body resembling a Select Committee of a Legislative Council, small, well informed, capable of being trusted with papers, qualified to discuss freely and informally the subjects referred to it, and publishing only its mature conclusions with a well considered and discreet exposition of the reasons for them. The existence of such a Council would in no way interfere with or restrict the process of formal and informal consultation that now goes on. But the great advantage of having a determinate body of advisers selected for their capacity, knowledge, influence, position and representative character would be that the head of a Provincial Government would be in a position to say publicly that he had consulted his Advisory Council on a particular measure and that they approved of it, or that it had been modified in consultation with them, and so on as the case may be. At present he can only refer to the more or less cut-and-dried opinions obtained through official sources; he cannot mention the more intimate personal consultation which he has had with individuals. Nor are the personal opinions thus elicited invariably given with a genuine sense of responsibility or with complete knowledge of the subject. A Council of real notables would have both knowledge and responsibility.

15. When a Council formed on the lines suggested by Bombay has been working for a year or so every member of it will have become a focus of information on all subjects of public interest, and I should expect the Council as a whole to be a sensitive, accurate, and comprehensive indicator of all the leading currents of popular opinion. Had such Councils been created in 1892 when the Legislative Councils were enlarged it seems not improbable that they would have opposed the Bengal attempt to restrict trial by jury, the Bombay system of searching houses for plague patients, the prohibition of pilgrimage to Mecca, the Punjab scheme of inoculation *en masse*, and the Punjab legislation on the subject of canal colonies. Their advice on these subjects might or might not have been taken, but it would certainly have been of value and it might have greatly strengthened the hands of the Government of India.

16. The conclusions, then, which I submit for consideration are the following—

- (1) *That the Provincial Advisory Council should be a small nominated body: 10-15 is suggested as a tentative figure at starting.*

- (2) *That the criterion of membership should be distinction of some kind whether arising from intellectual capacity, personal influence or representative position.* The essential thing is that every member should be a man whose views carry weight. If he also represents some important interest, so much the better, but men should not be appointed merely in order to represent an interest : if the interest cannot put forward some one of capacity it must go unrepresented until it can. No doubt several of the members will also be members of the Provincial or Imperial Legislative Council. This will be an advantage as they will be in a position to defend in the Provincial Legislative Council measures which they have discussed in the Advisory Council.
- (3) *That the Council should be created in the exercise of the prerogative which entitles the head of the Government to choose his own advisers.* This sweeps away all the suggestions, of which the papers are full, as to legal recognition, statutory powers, election of the whole or a part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion and so forth. It puts the scheme on its proper footing and leaves it to develop, in the words of the Councils Committee, "by the natural process of growth by which all successful political institutions have come into existence."
- (4) *That the Council should meet when summoned by the head of the local Government.* With a Council of the type suggested fairly frequent consultation would be both possible and advisable. Sir John Hewett considers that the opinions of an Advisory Council would recently have been of value in connection with measures against plague, the extension of primary education, the administration of secondary education in its higher grades, developments in technical and industrial education, the working of co-operative credit societies, municipal taxation, the housing of the poor in congested areas and connected sanitary questions and the organisation of charitable famine relief. This enumeration of subjects covers much more ground than could be dealt with in yearly meetings and implies frequent consultation as each question comes up. I am unable to conceive how such matters could be profitably discussed by a Council of 35 members. Pr'cis, page 5.
- (5) *That the Council should consider matters referred to it by the head of the Government, but any member should have power at any time to ask that a question be referred to the Council.* The power to refuse such a request is inherent in the President both as head of the Government and as Chairman of the Council and need not be specifically mentioned.
- (6) *That the head of the Government should ordinarily preside at meetings of the Council but that he should have power to depute a high official to represent him.* In Madras and Bombay the official thus deputed would be a Member of Council, in other provinces the Chief Secretary or a Member of the Board of Revenue would be suitable.
- (7) *That the proceedings of the Council should be confidential, but that as a rule a statement should be published setting forth the subjects discussed and the conclusions arrived at with as much of the reasons as might be necessary to elucidate and justify the decisions.* This statement would of course be drawn up in consultation with the Council.
- (8) *That Members should have the title of "Honourable" and a high place in the Warrant of Precedence and should be given the privilege of private entrée to Government House.* It is for

consideration whether these privileges should be permanent or should be limited to the term of office. Bombay would make the title permanent in special cases.

- (9) *That members resident in the mofussil should draw travelling allowance at first class rates and halting allowance of Rs. 10 a day when attending meetings.*
- (10) *That Government officials should be empowered to make statements or give explanations at the meetings of the Council if necessary.* This is suggested by Bombay. As stated it seems superfluous since the power of summoning Government officials is necessarily vested in the President. I should prefer to put it—*That the President may empower any one, official or non-official, who has special knowledge of a subject to make statements or give explanations at meetings of the Council.* He should be able in short to call in for consultation, *pro hac vice*, any one who is worth consulting, in the manner suggested in paragraph 5, head (2) (b) of my note on the Imperial Advisory Council. If this is done judiciously, a small Council will have all the advantages of a large one, and none of the disadvantages.
- (11) *That a separate Council of not more than five members should be appointed for Sind.*

H. H. RISLEY.

18th June 1908.

I am afraid that I cannot agree with the preceding note in so far as it deals with the size of the Provincial Advisory Council. Sir H. Risley proposes that it should be a small body of 10 to 15 members. He admits that the preponderance of opinion in the India Council, among local Governments, and among the persons consulted by them is in favour of a larger type of council. The minority in fact consists of the Bombay Government alone, and the number suggested by it is 20.

2. In our circular letter to local Governments, which was published after the text was approved by the Secretary of State, we offered to the public two advisory councils, the Imperial and the Provincial. The former was to include, in addition to Ruling Chiefs, forty territorial magnates. As the Ruling Chiefs have now intimated their disinclination to sit with territorial magnates, we will be obliged to confine the Imperial Council to Chiefs, and will thus fall short of our public offer by excluding forty persons whom we promised to recognise as official advisers of Government. Our offer in respect of Provincial Advisory Councils was to provide a membership large enough to embrace all interests of sufficient importance to claim representation, territorial magnates, the smaller landlords, industry, commerce, capital, the professional classes, and non-official Europeans. The general criticism of the public is that our offers are inadequate. To meet the disfavour with which they were criticised it ought to be our policy now to supplement our promises and to give more than we previously offered. How then can we so far recede from the position which we took, as not only to exclude our subjects from the Imperial Council, but also to cut down the Provincial Councils to a figure which cannot possibly include a fitting number of the representatives of the interests which we specified? How will our schemes be received by the public if instead of giving more we give less by a half or more than a half than what we have already promised? If it were merely for this reason alone, the political reason, I think that we must, even if there were difficulties to be faced, offer fairly large Provincial Councils.

3. But I do not think that there are any difficulties. I am not afraid of the dangers indicated in paragraphs 11, 12 and 13 of Sir H. Risley's note. I do not see how a council of 35 or even 50 persons, all of whom are selected by the Head of the Province on consideration of the interests which they may be able to represent and of their capacity to tender the best advice, can become either a dummy or a Duma, or how such a Council can be captured by any congress inimical to Government. If such a contingency arose it would show one of two things, either that the government was hopelessly at variance with the sentiments of the people, or that there is no course open to the rulers in India except to plough their own solitary furrow without consulting the ruled. I am unable to take so pessimistic a view, but if there is truth in it we will know what to do when it has been demonstrated by proof. It is unnecessary to give to the Council a constitution which will enable it to hold frequent sittings, to pass resolutions, to publish speeches, and to develop into a ranting congress. It will be easy to arrange so as to prevent any danger of this kind. I do not think that there can be any difficulty in the relations existing between a Provincial Advisory Council and a Provincial Legislative Council. The functions are entirely different. The former has to consider proposals before they reach the stage of legislation, or proposals that require no legislation. The latter deals with proposals after they have reached the stage of legislation.

4. As regards paragraph 15 of Sir H. Risley's note I must confess that I have little hope of any Advisory Council large or small ever exhibiting the ideal which he presents. I have never thought that an Advisory Council would be of much assistance to a Government in enabling it to come to a conclusion on a policy. I should be very sorry for any local Government that relied on any fixed body of unofficial advisers large or small for its policy in any important case. A local Government has far better means of testing its designs than the advice of any fixed body. Its ordinary consultative sphere covers much wider ground than this. The real *raison d'être* of an Advisory Council is not to enable

a local Government to come to a conclusion, but to afford a visible sign that no important policy has been adopted without consultation with the people, and this visible sign cannot be afforded if the Advisory Council consists of only a handful of men.

5. In the matter of Provincial Advisory Councils we are committed and cannot recede. We are taking a step forward, and in taking it we should in my opinion dismiss all fears, and trust the people, and give them a Council large enough to be really representative of their opinions. We need have the less hesitation in doing so as we have been so well supported by local Governments.

6. I will note briefly on Sir H. Risley's eleven conclusions.

No. 1.—I would leave considerable latitude to local Governments. There is no need of insisting on uniformity in this experiment. I would word the rule as follows:—

“The Provincial Advisory Council shall be a body nominated by the Head of the Province, numbering from 10 to 50. Members may be added at any time up to the maximum.”

It may be suggested to local Governments that they should begin with a small body and work up as they gain experience.

No. 2.—I would prefer—“Members should be nominated after due consideration of the interests which they may represent and of their capacity to tender the best advice.”

No. 3.—I agree.

No. 4.—No provision has been made for consultation by correspondence or by personal interview. Much can be done in this way, and I doubt whether local Governments will, unless there is special occasion, summon their Councils for collective consultation oftener than once a year. I would say—

“The Council will meet when summoned by the local Government. At other times all or any members may be consulted by letter or by interview at the discretion of the Head of the Province.”

No. 5.—I would allow any member to ask information direct from Government, and to bring matters direct to the notice of Government. I would add—

“and any member shall be entitled to address a Secretary to Government asking for information or bringing matters to the notice of Government.”

No. 6.—I would not insist on either the Head of the Province or an official presiding on all occasions. I would say—

“In the absence of the Head of the Province or of an official deputed to represent him the Council may elect a President.”

No. 7.—I agree.

No. 8.—I would not give members the title of Hon'ble. That would make them equal with the Legislative Council. I would allow them to be styled “Member of the Advisory Council” and to affix the letters M. A. C. to their names during tenure of office. I would say nothing about the Warrant of Precedence or about private entrée.

No. 9 }
No. 10 } I agree.
No. 11 }

7. I would add a rule about the tenure of membership. Members should (as in the theory of the Privy Council) be subject to removal at the discretion of the Head of the Province. The power of removal might occasionally be useful. The ordinary period of tenure should be three years. I would say—

“Membership is terminable at the discretion of the Head of the Province, or on the expiry of three years from the date of appointment”.

8. It might be well to define the duties of members on the lines of the duties of the Privy Council, *viz.*—

- (1) to advise the Head of the Province to the best of his discretion;
- (2) to advise for the King's honour and good of the public, without partiality through affection or fear;
- (3) to keep counsel secret;
- (4) to avoid corruption;
- (5) to help and strengthen the execution of what shall be resolved;
- (6) to withstand all persons who would attempt the contrary;
- (7) to observe, keep and do all that a good and true counsellor ought to do to his Sovereign Lord.

9. I think that we must insist on the Punjab having an Advisory Council. Political agitation has been as common there as in any other province. As regards Burma I agree that there is no need for an Advisory Council. In that province there are no aspirations towards popular government. What political aspirations there are are in the direction of getting back their own King. The Burmese neither understand nor desire government by the people.

His Excellency should see. I recommend that the case be referred to the Council Committee, for which business will probably be ready a fortnight hence.

H. A[damson],—22-6-08.

H. H. Risley,—24-6-08.

Private Secretary to the Governor General.

Demi-official dated Simla, the 6th July 1908.

From—LIEUTENANT-COLONEL A. F. PINHEY, C.I.E., Private Secretary to His Excellency the Viceroy,

To—SIR H. H. RISLEY, K.C.I.E., C.S.I.

Herewith the papers you have just asked me to send you about Provincial Advisory Councils.

Second Report of the Committee appointed to consider the Councils proposals.

PROVINCIAL ADVISORY COUNCIL.

In the Government of India's despatch of the 21st March 1907 it was suggested that the Imperial Council of Notables there proposed should include a suitable number of the territorial magnates of every province where landholders of sufficient dignity and status are to be found, and that local Governments should be at liberty to consult their own representatives on that Council, either individually or collectively, in regard to any provincial question. The formation of separate Provincial Advisory Councils was not proposed at that time. But in his despatch of the 17th May 1907 the Secretary of State approaching the subject of Advisory Councils from a different point of view, suggested Councils which should be primarily provincial in character. He observed that what appeared to be needed was an assemblage of sufficient size and weight, to be an adequate representative of informed opinion within provincial limits to be habitually called into Council by local Governments on all important affairs, and to be used, not only to draw out information on measures in contemplation, but also as an agency for the diffusion of correct information upon the acts, intentions and objects of Government. On the Provincial Advisory Councils which he contemplated the great landholders were to be the interest predominantly represented, but industry, commerce, and capital were also to be included, and non-official Europeans standing for these interests were to be associated with the natural leaders of Indian society in common consultation on matters of public importance. This is in effect the proposal put forward in paragraphs 6 and 7 of the Government of India's letter of the 24th August 1907, to which the comments before us relate. It was suggested in that letter that the Provincial Councils should be of smaller size than the Imperial Council, but that their membership should be large enough to embrace all interests of sufficient importance to claim representation on such a body. It was recognised that there were advantages in treating the proceedings of the Advisory Councils as private, but the Secretary of State suggested that when matters had been threshed out privately it might be advisable to provide for some public conferences.

2. The replies of local Governments are not unanimous, but on the whole they are in favour of the proposal. Bombay approve of the general idea, but consider that the practical success of the Council must depend on the personal weight and influence of its members, each of whom should, as far as possible, represent some important class or interest. Their number should not exceed 20; all should be nominated for three years; and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five members should be appointed for Sind. Bengal proposes a Council of about 30 members representing large and small landholders, Feudatory Chiefs, European and Indian Commerce, tea and indigo, the professions, the University, the district boards and the municipalities. The United Provinces suggests that the Council should consist of 35 nominated members, including representatives of the province on the Imperial Council, and four elected members of the Provincial Legislative Council, the balance being made up by representatives of land industry, commerce, the planting community, the professional classes, and educational and religious interests. The Council should be free to choose its own President and Secretary, and should conduct its deliberations in the absence of any Government official. Burma approves of the scheme as a general measure of policy, but considers that the province is not yet ripe for such a measure. Eastern Bengal and Assam think it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings. The Lieutenant-Governor suggests a Council composed of the members of the Legislative Council and representatives of other interests, including members elected by the District Advisory Councils which he thinks should be formed. The Punjab dwells on the difficulty of finding suitable men for an Advisory Council and a Legislative Council. If for the sake of uniformity, it is necessary to have

an Advisory Council in the Punjab, its number should be the smallest compatible with adequate representation of the main creeds, classes and interests. The Lieutenant-Governor considers that five or at the most seven Councillors would be sufficient, and that even to secure these it might be necessary to indent on the services of members of the Legislative Council, "which again might give rise to a sort of caucus in that Council—a result which would not be altogether desirable." The Chief Commissioner of the Central Provinces proposes a Council of 25, comprising 8 members elected by district boards and large municipalities, 6 members nominated to represent the commercial classes and minorities, and 11 official members. The Madras Government criticise the published scheme on a variety of grounds, and, instead of creating a Provincial Advisory Council, propose to consult the non-official members of their Legislative Council informally when they require advice. In regard to the question whether the proceedings of the Council should be strictly private and confidential, or whether some provision should be made for public conferences, we find few definite expressions of the opinion of local Governments. The Governments of Eastern Bengal and the United Provinces appear to contemplate giving a certain amount of publicity to the proceedings of the comparatively large Councils which they propose, and the Government of Bombay, though they propose a relatively small Council, do not suggest that its proceedings should necessarily be confidential. On the other hand, the Lieutenant-Governor of Bengal advises that the proceedings should be "informal, private, and confidential," while for the Punjab a small confidential Council is proposed.

3. The opinions before us from other persons are, beyond doubt, in favour of the creation of some form of Provincial Advisory Council in order to bring the people more closely into touch with local Governments. There is, however, a considerable diversity of opinion as to the size and constitution of the proposed Council. Suggestions vary from a small Council of not less than 10 representing land, commerce, the professions, and retired officials, to larger bodies of 50, 60 or 80 members partly elected and partly nominated. Generally speaking the tendency of the educated and professional classes is to propose a rather large statutory Council, wholly or partly elected so as to represent a variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers which would include an unlimited initiative power to ask questions and to call for information and papers, and an absolute or suspensory vote on Government proposals. Some of the landholders make similar suggestions and one of the Madras Muhammadans suggests that there should be two members for each district, and that the landed and commercial classes should have the largest voice on the Council.

4. Following the method adopted in their first report the Committee propose to state their conclusions in the form of answers to the following questions:—

Q. 1.—Should Provincial Advisory Councils be created?

A.—The Committee believe that Advisory Councils will be of marked value in the provinces, both as a means of obtaining advice on proposals for legislation or on administrative questions, and as a means of conveying information to the public as to the intentions and motives of Government. They recommend that such Councils should be created in all provinces except Burma, where there is no present demand for such an institution. In view of the objections raised by the Government of Madras, the Committee do not think it desirable to require that Government to form an Advisory Council until, in their opinion, the conditions are such as to call for it. The Committee approve of the Bombay proposal that a separate Council of not more than five members should be appointed for Sind, which differs materially from the rest of the Bombay Presidency, and is in many respects a separate local Government. The case of the Punjab is perhaps doubtful, but in view of the tendency to political agitation which has sprung up in that province in recent years, the Committee are of opinion that an Advisory Council would serve a useful purpose, more particularly by enabling the Lieutenant-Governor to associate with himself influential territorial magnates whose ignorance of English diminishes their usefulness on the Legislative Council.

Q. II.—In what manner should Provincial Advisory Councils be called into existence?

A.—On this point the Committee would repeat the observation that they made regarding the Imperial Advisory Council, that legislation is not necessary and would not be appropriate; they consider that these Councils should be created in the exercise of the prerogative which entitles the head of the Government to select his own advisers. For the present no formal constitution is, in the opinion of the Committee, either necessary or desirable. It may be that at some future time it will be thought proper, as the result of experience to define the constitution of these bodies in some formal way, and perhaps to include some recognition of the elective principle, and to give some statutory powers. But they think that it would be premature to make any such attempt at present.

Q. III.—What should be the composition of the Councils?

A.—In the opinion of the Committee it is essential that the composition of the Council should be such as to carry weight and command respect. They think that the Councillors should be chosen from men of eminence and position representing the landholders great and small, industry, commerce, capital, the professional classes, the Universities, non-official Europeans, retired Judges, and the large class of retired Indian officials, many of whom are possessed of knowledge and experience which it is desirable to utilise, and any other interests of importance in the province.

Q. IV.—What should be the size of the Provincial Advisory Council?

A.—In this matter the Committee think that considerable latitude ought to be left to local Governments, and that there is no need to insist upon uniformity. Some Governments, such as Bombay and the Punjab, may prefer a small Council recruited with reference to personal rather than representative considerations. Others, again, may wish to reach a wider range of opinion, and may prefer to constitute their Councils on a territorial basis with a member or two from each district. As the Councils will not be established by law, the Committee do not consider it necessary to define their number precisely. The smallest will be that appointed for Sind, where it would probably be difficult to procure more than five members; as to the maximum, the Committee are disposed to think that it might for the present be provisionally fixed at 50. Within these limits the strength of the Council would be a matter for the discretion of the local Government concerned. In view, however, of the difficulty of reducing a large body, while it is easy to expand a small one, the Committee suggest that when the scheme is promulgated it might be desirable to advise local Governments to commence with a comparatively small number, which might be enlarged as experience of the working of the Councils is gained.

Q. V.—Should the members be nominated or elected?

A.—It follows from what has been said above as to the Council being created by prerogative that in the first instance all the members should be nominated by the head of the Government. The principle of representation should, however, be borne in mind in making the selection, and it is possible that experience may indicate the possibility of gradually introducing some form of election for a portion of the Council or for certain classes of Councillors.

Q. VI.—What should be the period of office.

A.—The Committee suggest that members should be appointed during the pleasure of the head of the Government, but, subject thereto, that their period of office should not ordinarily exceed five years. They think, however, that members should be eligible for reappointment at the end of that period.

Q. VII.—What subjects should be referred to the Councils for consideration?

A.—In writing about Advisory Councils in general, the United Provinces Government considers that their opinions would be of value in connexion with measures against plague, the extension of primary education, the administration of secondary education in its higher grades, developments in technical and industrial education, the working of co-operative credit societies, municipal

taxation, the housing of the poor in congested areas and connected sanitary questions, and the organisation of charitable famine relief. This list of subjects is probably a fair illustration of the use that may be made of Provincial Advisory Councils. But the Committee do not propose to attempt any similar enumeration. They think it sufficient to say that the Council should consider matters referred to it by the head of the Government, but that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the head of the Government to refuse to refer a particular question to the Council. They are further of opinion that any member of an Advisory Council should be entitled to bring any matter of public interest to the notice of the local Government at any time.

Q. VIII.—Should the Council meet periodically, and, if so, at what intervals?

A.—The Committee recommend that the Council should meet once every year, or oftener if summoned by the head of the local Government. When the Council is not sitting, it will be open to the local Government to consult the members individually by letter or by personal interview.

Q. IX.—Who should preside at the meetings of the Council?

A.—The Committee are of opinion that in the absence of the head of the Government, or an official deputed to represent him, the Council may elect a President. They do not think it necessary to insist on either the head of the province or an official presiding on all occasions.

Q. X.—What provision, if any, should be made for the attendance of Government officials at the sittings of the Council?

A.—It seems to the Committee that occasions may well arise on which the Council would be unable to discuss a subject properly without the assistance of an official who was thoroughly acquainted with it and was in a position to give whatever explanations might be required. They think that this difficulty might be met, without prejudice to free discussion, by empowering the local Government to depute an official who has special knowledge of a subject to attend the Council for the purpose of giving any explanation or furnishing any information that may be required. It seems to them unsuitable that this rather onerous duty should devolve solely upon the head of the Government.

Q. XI.—Should the proceedings of the Council be confidential or should publicity be in any way given to them?

A.—It will always be open to the local Government to consult its Council collectively or individually in an informal and confidential manner, and the mere fact of being a Councillor will give to any member a position of influence in obtaining access to the head of the Government and in making his views known on any subject of public interest. It is unnecessary to provide for such matters by definite instructions. In regard to formal meetings of the Council we are of opinion that a record should in all cases be kept of the subjects discussed and of the conclusions arrived at, and that it should rest with the head of the Government to determine in consultation with the Council whether and in what form a statement of the views of the Council should be published. We do not think that the meetings of the Council should ordinarily be public; but we believe that the confinement of the Council's proceedings within strictly confidential limits would be unpopular.

Q. XII.—What provision should be made for the attendance of members resident at a distance?

A.—The Committee recognise that attendance at meetings will put the members of the Council to some expense, and they recommend that suitable travelling allowance and halting allowance should be sanctioned for those of them who are resident in the mufassil.

Q. XIII.—What honours and precedence should membership of the Council confer?

A.—The Government of Bombay propose that the members of the Provincial Advisory Council should have the title of "Honourable" during their term of office, adding that the title may be made permanent in certain cases. No other local Government mentions the points. The Committee think that the matter is one for the decision of His Excellency the Viceroy, and they merely recommend that suitable honours and precedence should be accorded to the members of the Council.

Q. XIV.—Should the duties of members be defined and embodied in any form of oath or affirmation?

A.—In view of the fact that non-official members have sat on the Legislative Council since 1861 without taking an oath or making an affirmation, the Committee consider that it would be out of the question to introduce such a practice in these Councils now. But the case of the Advisory Council is in some respects different, and it may be desirable to remind members in some formal manner of their obligation to advise the head of the Government to the best of their discretion and not to disclose matters which are regarded as confidential. They think, therefore, that some form of affirmation regarding these points might perhaps be prescribed.

13th August 1908.

H. ERLE RICHARDS.

Signed subject to the reservation that I may have to express my views on some points more fully, after the Committee has dealt with Provincial Legislative Councils.

J. O. MILLER.

H. ADAMSON.

W. L. HARVEY.

J. S. MESTON.

MEMORANDUM.

By direction of His Excellency the Viceroy the accompanying Minute is forwarded to Hon'ble Members of the Committee on Council Reforms.

J. R. DUNLOP SMITH, *Lieut.-Col.,*
Private Secy. to the Viceroy.

SIMLA ;

The 24th August 1908.

MINUTE BY HIS EXCELLENCY THE VICEROY ON COUNCIL REFORMS.

In reading the second report of the Committee appointed to consider the question of Council reform I have been struck by the great differences of opinion between Local Governments as to the Provincial Advisory Council, and by the difficulties which are likely to arise when their reports are presented to Parliament and published. The correspondence contains the following proposals :—

Madras.—(1) Two “ General Assemblies ” (229 and 276 members) on the Mysore model, since abandoned in favour of (2) District Advisory Councils and no Provincial Council at all.

Bombay.—A small Council, not exceeding 20, consisting of men of weight and influence, each of whom should, as far as possible, represent some important class or interest.

Bengal.—A Council of about 30, representing all interests.

United Provinces—A Council of 35, with a President and Secretary of its own, to meet at least once a year or whenever one-third of its members desire a meeting, and “ to conduct its deliberations in the absence of any Government official.”

Punjab.—The Lieutenant-Governor is reluctant to have a Council at all, but for the sake of uniformity is willing to appoint “ five or at most seven Councillors.”

Burma.—Also reluctant, but will appoint a Council of 20 if desired.

Eastern Bengal and Assam—Is doubtful about the scheme, but suggests a Council composed of the members of the Legislative Council, representatives of districts elected by District Councils (who would be elected by voluntary associations) and persons standing for other interests. Number not stated, but must obviously be between 40 and 50.

In their answer to question IV the Committee propose to leave considerable latitude to Local Governments as regards the size of the Council. They would allow either small Councils such as are preferred by Bombay and the Punjab or large bodies constituted on a territorial basis with a member or two from each district. They think that the maximum might for the present be provisionally fixed at 50, but they would advise Local Governments to commence with a comparatively small number, which might be enlarged as experience is gained.

The Committee's report will of course not be published. But all the reports of Local Governments and the opinions sent up by them will be presented to Parliament during the autumn session, and there is a real danger of their being used by the Congress party to agitate for large Advisory Councils, either on the Madras pattern or on the basis of two members or so for each district, which would give, in the case of the United Provinces, a large Council of more than 100 members. Such a body, meeting at the request of one-third of its members, and being, as Sir John Hewett proposes, “ free to choose its own President and Secretary and conduct its deliberations in the absence of any Government official ” would, I am afraid, be liable to become a debating society of a particularly mischievous kind. Nevertheless, I feel that there is much force in the political arguments put forward in paragraph 2 of the Hon'ble Sir Harvey Adamson's note of June 6th, 1908, inasmuch as he points out the extent to which we have, unfortunately in my opinion, committed ourselves to an approval of Provincial Advisory Councils which it is now difficult for us to retract. The danger of such Councils, if numerically large in their composition, appears to me self-evident, and I cannot agree with Hon'ble Member in thinking it could be easily avoided.

Paragraph 3 of Hon'ble Mr. Miller's note of July 29th, 1908, indicates that he also foresees the same difficulties as the Hon'ble Sir H. Adamson in

satisfying the views of Local Governments, and rather than give them half the loaf, he would prefer to give up the proposal of Advisory Councils altogether. I agree with the Hon'ble Member, *z e*, that if we cannot satisfy Local Governments and that if what we are prepared to offer will only cause dissatisfaction and somewhat bitter criticism, it would be better to give up our proposal, and personally I think we should be well out of it. I fully share with the Hon'ble Members in dislike to any appearance of eating our own words, but notwithstanding our letter to Local Governments, it would seem to me that we are entitled to look upon the reforms with which we are dealing as still under consideration, that we should as far as possible dispel from our minds any idea that we are called upon to make political concessions, or to surrender to popular criticism, and that we should aim only at submitting to the Secretary of State such proposals as we hope will reasonably meet increasing political ambitions without disregarding the safety of our Indian administration. We have already discarded the Imperial Advisory Council, and it is as well to remember that the Provincial Advisory Councils were not suggested by the Arundel Committee, but made their first appearance in paragraph 9 of the Secretary of State's despatch of May 17th, 1907. For my own part I always doubted the practicability of the proposal, and was not a little surprised at the favour it met with in India. My belief is that the more we study the possible composition of such Councils, the more difficulties we shall discover, and the more our suspicions as to their future effects will increase. That being so I should welcome the opportunity of escaping from them.

In the meantime the line taken by Madras adds to the difficulties of the situation. In their letter of 13th March they "strongly endorse the public view" that the Provincial Advisory Council outlined in our letter of August 20th, 1907, "would be radically unsuited to the end which the Government of India have in view". How can we force them to create a Council of which, in a letter which will soon be published, they have expressed unqualified disapproval for a number of different reasons? On the other hand, how can they be allowed to stand aloof from the general scheme? Will not public opinion in Madras resent differential treatment and endeavour to put pressure on the Local Government to introduce some approach to a Council of the Mysore and Travancore pattern?

To sum up, the disturbing features in the present situation appear to me to be—

- (1) The danger of forming debating societies.
- (2) The difficulty of either overruling or giving in to Madras.
- (3) The possibility of the Congress party in Parliament making capital out of the Madras and United Provinces proposals, both of which are calculated to embarrass us.

The simplest solution would be (as is suggested by Hon'ble Mr. Miller) to drop the Provincial Advisory Councils altogether. We should then be left with a Council of Chiefs and the various Legislative Councils—an intelligible and workable system. But after what has been said on the subject of Provincial Councils in our published letter, and Lord Morley's reference to the subject in his speech of 6th June last year, this would raise a great outcry, all the louder because it has been felt, if not very precisely stated, that Provincial Advisory Councils were intended to give the leaders of Indian society some degree of influence over the executive action of Government and might in course of time lead to the expansion of the Executive Councils in Madras and Bombay, to the creation of such Councils in provinces under Lieutenant-Governors, and to the appointment of Indian members. In the existence of this feeling we may perhaps find a way out of the present difficulty. If we abandon the Provincial Advisory Councils, we must take some substantial steps in advance. Why should we not make the step a bold one, and give Executive Councils, with one Indian member where a qualified man can be found, to those provinces where

the conditions are suitable? The Advisory Councils must be illusory in respect to any real power they may be supposed to confer, and further powers would certainly be demanded for them very shortly, but for the present they would only enjoy the dangerous right to advise and criticise, whilst the proposal I have ventured to suggest would be a recognition of the claim put forward more and more frequently by thoughtful Indians for a direct share in the government of their country, and would render it possible to make an effective and conspicuous announcement of constitutional reform on the anniversary of the Queen's Proclamation. If that announcement stops short at a Council of Chiefs and enlarged Legislative Councils, it will fall comparatively flat. People will say "you promised us this last year and a good deal more"; and if it should include the appointment of an Indian member to the Viceroy's Executive Council, they will grumble at nothing being said about Madras, Bombay, Bengal, and perhaps the United Provinces. The concession suggested would, I believe, go far to satisfy everyone except the Extremists, and would range on our side all the wavering Moderates whose number is very large. It would strengthen the case for the provision of an official majority in the Legislative Councils; it would anticipate what is very likely to be proposed by the Decentralisation Commission; and it would cut the ground from under the feet of a certain section of politicians at home, who will always be ready to obstruct and condemn any reform suggested by the Government of India.

Stated in fuller detail the proposal would involve—

- (1) Adding one member to the Madras and Bombay Councils.
- (2) Taking power to create Executive Councils of three members for provinces under Lieutenant Governors.

This would render it possible to give Executive Councils to the four provinces—Madras, Bombay, Bengal and the United Provinces—which will have large Legislative Councils, and it would not be obligatory to appoint an Indian member, such appointment to depend on a thoroughly competent candidate being available. The reason for suggesting three members is to avoid placing too much power in the hands of any one member, whether Indian or European, and to strengthen the position of the head of the Government. In a Council of four (the strength of the Madras and Bombay Councils before the abolition of the local Commanders-in-Chief) if the Governor or Lieutenant-Governor could get one vote, his casting vote would enable him to carry his point. If he had three votes against him, the chances are that in most cases he would be wrong. A Lieutenant-Governor must, however, have power to overrule his Council as the Governor-General and the Governors of Madras and Bombay have at present.

The question of enlarging the Executive Councils of Madras and Bombay and of creating Executive Councils in provinces administered by Lieutenant-Governors has been considered before, in 1859-60 in connexion with the Councils Act of 1861, in 1868 with reference to the failure of the Government of Bengal to deal with the Orissa famine of 1866, in 1888 as a part of the proposals of Sir George Chesney's Committee, and finally in 1904 in connexion with the partition of Bengal. I think I am correct in saying that, on each of these occasions, except to a limited extent in 1888, the discussion turned solely upon the question of administrative efficiency; the idea of associating Indians more closely with the Executive Government and of appointing Indians to the Executive Councils was not even mentioned, and the Councils then proposed were to consist of only two members. In 1888 Sir George Chesney's Committee gave the following reason for recommending the creation of an Executive Council of two members in Bengal:—"It may be expected that the effect of enlarging the functions of the Local Councils in the three older provinces will be to modify and alter to a very material extent the character of the administration, and to call for a greater degree of formality in the preparation of measures. In view of these considerations it will be essential that the Lieutenant-Governor of Bengal should be given the assistance and support of an Executive Council selected from the ablest and most experienced Civil Servants of the Government." And Sir Charles Aitchison, who had been Lieutenant-Governor of the Punjab, and was then Home Member, wrote, in connexion with the proposal, that the Councils should be permitted to originate

advice and suggestions on administrative matters,—“For this purpose, in Bengal, the North-Western Provinces and the Punjab, Executive Councils would have to be formed to strengthen and assist the Lieutenant-Governors. This could easily be done without any extra cost, possibly with some saving.”

The political situation is now very different from what it was four years ago when the partition of Bengal was under consideration. Under the influence of the general awakening of the East, the idea of associating Indians with ourselves in the work of administration has come to the front; the idea of efficiency, in the sense of the rapid transaction of business, is somewhat less prominent; we are pledged to a substantial enlargement of the Legislative Councils; and we are confronted with a serious difficulty in respect of the Provincial Advisory Councils. It is also extremely desirable that the anniversary of the Queen's Proclamation should be marked by the announcement of some measures which will be generally recognised as being framed in the best interests of the people of India. For these reasons I would ask the Councils Committee to take into their consideration the suggestions contained in this Minute.

Also in respect to any announcement to be made in future, in view of the necessity of certain legislation being required, I would suggest to the Committee the advisability of selecting the 1st January for such announcement, the anniversary of the assumption of the title of Empress by Queen Victoria. Moreover, it is very necessary that any announcement should be made with fitting ceremony; this would be impossible on November 1st, whereas celebrations of Proclamation Day on January 1st are already universal throughout India, and could be further utilized to meet the occasion.

24-8-08.

MINTO.

Report of the Councils Committee on His Excellency's Minute of 24th August 1908.

The Committee have given their most careful consideration to the suggestions contained in the Viceroy's Minute of 24th August on the subject of Council reforms. They understand His Excellency's view to be—

(1) That the proposal to create Provincial Advisory Councils should be abandoned by reason of the difficulties connected with it.

(2) That the disappointment which this would cause should be avoided by taking power to add one member to the Executive Councils of Madras and Bombay and to create Executive Councils of three members for the provinces under Lieutenant-Governors.

(3) That an Indian member should be appointed to each of these Councils when a thoroughly competent candidate is available.

2. As regards the first suggestion the Committee observe that although the proposals of the local Governments are not framed on uniform lines, most of them have received the general idea of Provincial Advisory Councils with favour, and all, including even Madras, are prepared, if so desired, to form such Councils and to give them a fair trial. When the papers are published this will become generally known, and the Committee anticipate that the advanced party will not accept Executive Councils as a sufficient substitute for Advisory Councils but will press for the latter in addition to the former. They further venture to point out that if no provision is made for the constitution of Advisory Councils, the pro-Congress politicians in Parliament will still have before them the Madras and United Provinces proposals, and will, in the absence of Advisory Councils, be tempted to use them as a ground for contention that the Legislative Councils should be constituted on a much more popular basis than the Government of India would be willing to agree to. Finally there is the difficulty that if Provincial Advisory Councils are abandoned the smaller provinces will be left with neither Executive nor Advisory Councils, a state of things which is certain to give rise to dissatisfaction. For these reasons the Committee are respectfully of opinion that the proposal to form Advisory Councils ought to be proceeded with. They would not however compel local Governments to create such Councils if they consider it inexpedient to do so, nor have they prescribed any rigid constitution. They leave it to the discretion of the Head of the Government to associate with himself a body of advisers whom he might use in such manner as he thought fit.

3. Turning now to the main question raised by His Excellency's second and third suggestions, the Committee are impressed with the impossibility of coming to any decision on matters of such magnitude within the limited time now available and without more materials than they have at present at their disposal. They understand that the Secretary of State has been informed that the despatch setting forth the Government of India's official proposals on the subject of Council reform will be issued on the 1st October, and that any legislation that is required will be undertaken during the ensuing autumn session of Parliament. In order to enable the Committee to form a well-considered opinion on the various aspects of the subject now referred to them, it would have to be thoroughly examined by the departments of the Government of India, and the local Governments concerned would then have to be consulted. The latter step could hardly be taken without the approval of the Secretary of State, and the discussions to which it would give rise would probably extend over a period of at least six months. Apart from the difficulty of time, it appears to the Committee that, if the subject is to be taken up, that can better be done in connexion with the report of the Decentralization Commission. Having refused to enter upon the question in consultation with the Commission, the Government of India will place themselves in a rather false position if they raise it independently now, especially in view of the fact that in their despatch on the partition of Bengal they expressed themselves as strongly opposed to the formation of an Executive Council for that province, and in paragraph 29 of their despatch of 21st March last on the question of reform of the

Councils they referred pointedly to this decision. If they now recommend a course which they have so recently rejected they will, the Committee apprehend, give an opening to the party who wish to have the partition cancelled and the whole of Bengal together with Assam placed under a Governor in Council. In stating these views the Committee desire to make it clear that they do not express any opinion adverse to the proposal to establish Executive Councils in the larger provinces under Lieutenant-Governors. They retain an open mind on that matter. Their view is that it is impossible for the Government of India to come to a definite conclusion, contrary to all their recent pronouncements, within the time now available.

The 29th August 1908.

(Sd.) H. E. RICHARDS.

(„) H. ADAMSON.

(„) J. O. MILLER.

(„) J. S. MESTON.

[Confidential.]

IMPERIAL LEGISLATIVE COUNCIL.

It will be convenient to summarise from Ilbert's *Government of India* the stages by which the Imperial Legislative Council has developed into its present form. The Charter Act of 1833 centralised legislation in India in the Supreme Council, which was at the same time strengthened by the addition of a Legal Member whose duties were confined entirely to the subject of legislation. The four Presidential Governments of Fort William, Fort St. George, Bombay, and Agra were merely authorised to submit to the Governor General's Council "drafts or projects of any laws or regulations which they might think expedient," and the Governor General in Council was required to take these drafts and projects into consideration and to communicate his resolutions thereon to the Government proposing them. By the Charter Act of 1853 the Legal Member was given a right to sit and vote at executive meetings. At the same time the Council was enlarged for legislative purposes by the addition of Legislative Members, of whom two were the Chief Justice of Bengal and one other Supreme Court Judge, and the others were Company's servants of ten years' standing appointed by the several local Governments. The result was that the Council as constituted for legislative purposes under this Act consisted of twelve members, namely:—

ORIGIN OF
EXISTING
COUNCIL.

The Governor General.

The Commander-in-Chief.

The four ordinary members of the Governor General's Council.

The Chief Justice of Bengal.

A Puisne Judge.

Four representative members (paid) from Bengal, Madras, Bombay, and the North-Western Provinces.

The sittings of the Legislative Council were made public and their proceedings were officially published.

2. By the Indian Councils Act of 1861 the Governor General's Council was reinforced for legislative purposes by additional members, not less than six nor more than twelve in number, nominated by the Governor General and holding office for two years. Of these additional members, not less than one-half were to be non-official, that is to say, persons not in the civil or military service of the Crown. The Lieutenant-Governor of a province was also to be an additional member whenever the Council held a legislative sitting within his province.

3. The Legislative Council established under the Act of 1853 had modelled its procedure on that of Parliament, and had shown what was considered an inconvenient degree of independence by asking questions as to, and discussing the propriety of, measures of the Executive Government. Notable instances of this tendency are furnished by the debates on the Carnatic Estate and the Mysore Grant, reported at pages 178—216 and 1343—1403 of the proceedings of the Council for 1860. The functions of the new Legislative Council were limited strictly to legislation, and it was expressly forbidden to transact any business except the consideration and enactment of legislative measures, or to entertain any motion except a motion for leave to introduce a Bill, or having reference to a Bill actually introduced.

4. Measures relating to the public revenue or debt, religion, military or naval matters, or foreign relations, were not to be introduced without the Governor General's sanction. The assent of the Governor General was required to every Act passed by the Council, and any such Act might be disallowed by the Queen, acting through the Secretary of State.

5. The power of legislation which had been taken away from the Governments of Madras and Bombay by the Charter Act of 1833 was restored to them by the Act of 1861. The Councils of the Governors of Madras and Bombay were expanded for legislative purposes by the addition of the Advocate-General and of other members nominated on the same principles as the additional members of the Governor-General's Council. No line of demarcation was drawn between the subjects reserved for the central and local legislatures respectively; but the previous sanction of the Governor General was made

requisite for legislation by the local legislature in certain cases, and all Acts of the local legislature required the subsequent assent of the Governor General in addition to that of the Secretary of State, and were made subject to disallowance by the Crown, as in the case of the Governor General's Council. There were also the same restrictions on the proceedings of the local legislatures.

6. The Governor General was directed to establish by proclamation a Legislative Council for Bengal, and was empowered to establish similar Councils for the North-Western Provinces and for the Punjab. These Councils were to consist of the Lieutenant-Governor and of a certain number of nominated Councillors, and were to be subject to the same provisions as the local legislatures for Madras and Bombay.

7. The Indian Councils Act, 1892 (55 and 56 Vict, c. 14) authorised an increase in the number of the members of the Indian Legislative Councils, and empowered the Governor General in Council, with the approval of the Secretary of State in Council, to make rules regarding the conditions under which these members are to be nominated. At the same time the Act relaxed the restrictions imposed by the Act of 1861 on the proceedings of the Legislative Councils by enabling rules to be made authorizing the discussion of the annual financial statement, and the asking of questions, under prescribed conditions and restrictions. Under the rules made on 23rd June 1893, there are sixteen additional members, of whom six are officials appointed by the Governor General in Council and ten are non-official. Of the non-official members four are appointed on the recommendations of the non-official additional members of the provincial legislatures of Madras, Bombay, Bengal, and the United Provinces, each of these bodies recommending one member, and one on the recommendation of the Calcutta Chamber of Commerce. The remaining five members are nominated by the Governor General 'in such manner as shall appear to him most suitable with reference to legislative business to be brought before the Council and the due representation of the different classes of the community.' The additional members hold office for two years. The Council as constituted under the rules at present in force stands thus:—

A.— <i>Ex-officio</i> , the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council	...	8
B.—Additional officials nominated, not exceeding	...	6
C.—Recommended by the Calcutta Chamber of Commerce	...	1
D.—Recommended by the non-official additional members of the Legislative Councils of Madras, Bombay, Bengal and the United Provinces	... ..	4
E.—Non-officials nominated with reference to legislative business or to represent interests	... ..	5
		—
		24
		—
Or including His Excellency the Viceroy	... ..	25

CONGRESS
PROPOSALS
FOR COUN-
CILS RE-
FORM.

8. I will now endeavour to sketch as briefly as possible the course of the discussions which resulted in the passing of the Councils Act of 1892. Early in 1886 Lord Dufferin's attention was drawn to the 3rd resolution passed in December 1885 by the first Indian National Congress to the effect 'that this Congress considers the reform and expansion of the supreme and existing local Legislative Councils, by the admission of a considerable proportion of elected members—(and the creation of similar Councils for the North-Western Provinces and Oudh and also for the Punjab)—essential; and holds that all Budgets should be referred to these Councils for consideration, their members being moreover empowered to interpellate the executive in regard to all branches of the administration; and that a Standing Committee of the House of Commons should be constituted to receive and consider any formal protests that may be recorded by majorities of such Councils against the exercise by the executive of the power, which would be vested in it, of overruling the decisions of such majorities.' In moving this resolution Mr. Telang explained that it contemplated—

(1) That at least one-half of each Council should be elected.

- (2) That the electorates should consist of the Presidency Corporations, the Universities, the well-established political associations, and the district and municipal boards.
- (3) That the Budget should be brought forward for consideration in the Councils. "We do not propose what would probably be a too radical measure just now—namely that the Council should have power to reject the Budgets of the Executive Government."
- (4) That in cases of difference of opinion between the Government and a majority of the Council unimportant points should be decided finally by the Government but important matters should be referred to the House of Commons.

9. Three years before Lord Dufferin had been instrumental in framing the Egyptian Organic Law of May 1, 1883. This law established in Egypt— *Modern Egypt, II,* '71.

- (1) Provincial Councils composed of from 8 to 3 members according to the size of the province, in the various Moudiriehs. The Moudir is the President, and the functions of the Councils are to deal with local matters, such as the alignment of roads and canals, establishment of markets, etc. The Councillois are elected by universal suffrage and they number seventy in the fourteen provinces.
- (2) A Legislative Council composed of 30 members of whom 14, including the President, are named by the Egyptian Government. Of the remainder, 14 are elected by the Provincial Councils from amongst their own members, one is elected by the town of Cairo and one by Alexandria and some other less important towns. No law or decree "portant règlement d'administration publique" can be promulgated without its having been previously submitted to the Council. The Government are not obliged to adopt the views of the Council, but in the event of their not doing so, the reasons for the rejection must be communicated to the Council. "L'exposition de ces motifs ne peut donner lieu à aucune discussion." The budget is to be submitted to the Council who may "émettre des avis et des vœux sur chaque chapitre du Budget." The Government are, however, not obliged to conform to any views that may be expressed by the Council in connection with the budget nor may the latter discuss any financial charge on the Egyptian Treasury which results from an international arrangement. The Egyptian Ministers may take part in the discussions or may cause themselves to be represented by any high functionaries of their respective departments.
- (3) A Legislative Assembly consisting of 82 members, *viz.*, the six Ministers, the 30 members of the Legislative Council, and 46 delegates who are elected by the population. Candidates for the Assembly must be not less than 30 years old, must be able to read and write, and must pay direct taxes to the amount of not less than £E. 30 a year. No new direct tax can be imposed without the approval of the assembly; and it must also be consulted about public lands, the construction of canals and railways, and the classification of lands in connexion with the land tax. It may also spontaneously express its views on all economic, administrative and financial questions. As in the case of the Legislative Council, the Government are not under any obligation to adopt the opinions of the Assembly in such matters, but the reasons for not adopting them must be stated. The assembly must meet at least once in two years. The public are not admitted to the sittings either of the Council or of the Assembly.

The fourth resolution of the Congress of 1886 contains a statement of principles which shows traces of the influence of these Egyptian provisions.

10. It was natural therefore that the proposals of the Congress should have received serious consideration from Lord Dufferin, and it seems pretty clear **SIR GEORGE CHESNEY'S COMMITTEE.**

that this was the immediate cause which led to the production of the five memoranda by Sir Antony MacDonnell on Presidency corporations, mofussil municipalities, district and local boards and the reconstruction of the Legislative Councils on a representative basis which are printed at pages 51-151 of Volume II of the Council's papers. These memoranda together with a note by Sir George Chesney of 31st May 1888, a note by Sir Charles Aitchison of 26th June 1888 and a further note by Sir Antony MacDonnell of 10th September 1888 form the materials upon which the Committee appointed by Lord Dufferin on 22nd September 1888 based their report of 10th October 1888. The substance of that report can readily be gathered from the summary of conclusions attached to it. Its leading features were :—

- (1) It dealt only with Provincial Legislative Councils, the question of the Governor General's Council being put aside partly because it was considered to be inexpedient to enter upon it at that time and partly because it was thought that the result of the changes to be made in the constitution of the Provincial Councils should be awaited.
- (2) The scheme was based upon Mr. Gladstone's Government of Ireland Bill of 1885 and provided for a Council consisting of two divisions, the first elected by the landed classes and the hereditary nobility from among themselves, and the second elected by municipal committees, district boards and Universities from among persons possessing property of an annual value of not less than Rs. 5,000 and residing in or possessing immoveable property of a like value in the circle for which they seek election. Chiefs of native States in political subordination to the Governments concerned were also to be eligible for appointment to the first division by nomination. European planting and commercial interests were to be represented in the second division by the same method.
- (3) A small official majority was provided for, and it was further proposed that the Government should have power to overrule the Council and to adopt, suspend or reject any executive measure notwithstanding the vote of a majority.
- (4) It was suggested that both orders or divisions should sit together, but that either division on demand might vote separately. In that case unless the majority in both divisions agreed the motion would be lost.
- (5) For Bengal a Council constituted as follows was suggested by way of illustration.

First Division.

President	...	...	...	...	...	1
Official members	...	...	...	...	...	6
Persons elected by recognised Rajas, Maharajas, Nawabs and landed proprietors of not less than Rs. 50,000 land revenue.						6
Total						13

Second Division.

Elected members for sub-provinces, Behar, Orissa, etc.	...	5
Elected members for Calcutta and the University	...	2
Nominated non-officials	...	4
Official members	...	12
Total		23
GRAND TOTAL		36

- (6) The Council was to have power to originate advice and suggestions on matters of internal administration not expressly excepted, and to embody their views in memoranda addressed to the Government, which would be debated on the motion to pass them for presentation.
- (7) The right of interpellation and the right to call for papers on subjects connected with internal administration was also to be allowed.
- (8) The estimates connected with local finance were to be submitted to the Council, referred to a standing committee, and on the report of the committee debated, if necessary, in Council.
- (9) It was further suggested that the general administration budget might be laid before the Council for discussion, and that the local Government might avail itself of its advice and suggestions in the same way as it would in the case of matters relating to general and civil administration.

The proposal to establish in Bengal an Executive Council of two members in addition to the Lieutenant-Governor need not be considered for our present purpose.

11. The report was forwarded to the Secretary of State with the Government of India's despatch no. 67 of 6th November 1888 which expressed general concurrence with the recommendations of the Committee and enclosed a long Minute* by Lord Dufferin reviewing the general political situation in India and dwelling upon the diversity of nationalities, religions, races and interests which have to be considered. The educated class represented by the National Congress is there described, in an often quoted phrase, as "a microscopic minority;" the necessity for an official majority in the Councils is insisted on; the adoption of the elective principle to a modified extent is recommended; and it is proposed that the discussion of the budget and the right of interpellation should be introduced not only in the Provincial Councils but also in the Imperial Council.

CORRESPONDENCE WITH SECRETARY OF STATE.

* Vol. II, Council papers, pp. 173-184.

12. In his despatch no. 80 of 1st August 1889, addressed to Lord Lansdowne's Government, Lord Cross observed that Lord Dufferin's Government had not been in a position to lay before him "complete and mature conclusions" upon the report of the Committee; that the Provincial Governments had not been consulted and even if they had, "any definite resolution" upon their opinions must have been suspended until Lord Lansdowne's Government had been able to consider the subject. After some remarks favourable to the discussion of the Budget and the introduction of interpellations he said with regard to the principle of election that "it would be unwise to introduce a fundamental change of this description without much more positive evidence in its favour than we can at present be said to possess". He admitted that the principle was recognised in the case of municipal councils and local boards, but that system had only been recently adopted; it existed on an infinitesimally small scale; and the question of extending it to political or legislative assemblies was in his opinion "in many respects essentially different."

Ibid, pp. 184-185.

13. In their despatch no. 76 of 24th December 1889 the Government of India said that they regarded the despatch no. 80 of 1st August 1889 as amounting to a distinct intimation that the Secretary of State was not prepared to introduce the principle of election. They accepted this decision with regret, and observed that they would have been glad if the Bill referred to them with the Secretary of State's despatch no. 81 of the same date had given them power to make rules, with the consent of the Secretary of State in Council, for the appointment of additional members "by nomination or otherwise."

Ibid, pp. 186-187.

Ibid, p. 192.

14. Meanwhile, in their despatch no. 35 of 25th May 1889, the Government of India had forwarded to the Secretary of State an extract from Lord Lansdowne's speech on the Budget discussion of 29th March 1889. They observed that section 19 of the Indian Councils Act of 1851 was intended to have the effect of preventing the Council from discussing the Budget unless some legislative measure connected with it was before the Council. They went on to propose that steps should be taken to legalise such discussion both in the

Ibid, pp. 188-191.

Imperial and in the Provincial Council, subject to the condition that no power should be given to make a motion regarding it, still less to withhold supplies or to make the financial arrangements of the Government dependent on the passing of an appropriation Bill. They also recommended that the right of interpellation should be introduced.

**LORD CROSS'S
BILL OF
1889.**
* Vol. II, Council
papers, p. 192

15. In his despatch* no. 81 of 1st August 1889, the Secretary of State intimated that he proposed to apply to Parliament for an extension of the powers of the Imperial and Provincial Councils so as to authorise the discussion of the Budget independently of any proposed legislation and to confer the right of interpellation. He proposed also to take power to increase the number of additional members of the several Councils by a simple extension of the existing system of nomination and he enclosed a draft Bill for this purpose.

Ibid., pp 203-205.

16. After consulting local Governments the Government of India in their despatch no. 75 of 24th December 1889, forwarded the opinions and expressed general approval of the Bill as far as provincial Governments were concerned. The majority were however of opinion that the number of members of the Imperial Council should not be increased. They further suggested the insertion of a proviso that no resolution should be proposed or division taken in respect of any matter arising out of any financial discussion or the answer to any question. The Bombay and Bengal letters are worth reading ; Madras and the United Provinces accepted the Bill without comment.

**DEBATES IN
LORDS.**

17. The Bill was introduced into House of Lords by Lord Cross on the 21st February 1890. It reached a second reading on March 6th, 1890. In the debate

which then took place Lord Northbrook and Lord Ripon advocated the introduction of the elective principle, the former referring to selection of members of the Imperial Council by the local Legislatures and the latter to election of members of the Provincial Councils by municipalities, district boards and public associations. On the 13th March, when the Bill was considered in Committee, Lord Northbrook moved the insertion of the following clause which was accepted.

" Provided that the Governor General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them shall be made by the Governor General, Governors and Lieutenant-Governors respectively, and prescribe the manner in which such regulations shall be carried into effect ".

On the 18th March the Bill was read for a third time, passed and sent down to the Commons.

18. Owing to pressure of business in the House of Commons the Bill could not be passed either in 1890 or 1891, with the result that it had to be introduced again into the House of Lords on the 15th February 1892. It deserves notice that in 1890 and again in 1892 Lord Salisbury, without opposing the Bill, protested against the idea that municipal bodies " elected only for the purpose of making streets and taking care of drains " should be regarded as fitted to represent the vast population of India. He said " we must be careful lest, by the application of occidental machinery, we bring into power not the strong, natural, vigorous, effective elements of Indian society, but the more artificial and weakly elements which we ourselves have made and brought into prominence. It would be a great evil if, in any system of Government which we gradually develop, the really strong portions of Indian society did not obtain that share in the Government to which their natural position among their own people traditionally entitles them ". The Bill was passed without further discussion on the 22nd February 1892.

**DEBATES IN
COMMONS.**

19. On the 28th March the Bill was introduced in the House of Commons by Lord Curzon, then Under Secretary of State for India. After explaining the history of the Bill he read Lord Northbrook's clause and described it as empowering the Viceroy " to invite representative bodies in India to elect or select or delegate representatives of themselves and of their opinions to be nominated. " In illustration of what he meant by representative bodies he referred to " the Chambers of Commerce of India, the municipalities of the great cities, the Universities, the British India Association,

and, perhaps even more important than any, the various great religious denominations in that country." He mentioned incidentally a Bill introduced in 1890 by Mr. Bradlaugh and withdrawn in the following year, "containing an elaborate system of electoral colleges and proportionate representation and overgrown Councils" and another Bill introduced later by the same gentleman "in which he showed such extreme diffidence in himself and in the Indian National Congress, and such confidence in the Indian Government, that, although it contained express provisions for a system of election, the means by which that system was to be carried out were left entirely to the discretion of the latter." These bills together with one brought in by Sir William Flawden will be found in a separate file.

20. On the motion that the Bill be read a second time Mr. Schwann moved as an amendment "that in the opinion of this House, no reform of the Indian Councils which does not embody the elective principle will prove satisfactory to the Indian people, or compatible with the good government of India." His speech is mainly a eulogy of the Indian National Congress and of district boards and municipalities as representative bodies. It brought up Mr. Gladstone whose opinion on the subject has been constantly quoted ever since. His view of the matter seems to have been—

- (1) That the clause under discussion as explained in the Under Secretary's speech did really embody the elective principle "in the only sense in which he could be expected to embody it."
- (2) That it was not the business of the House of Commons "to devise machinery for the purpose of Indian Government," but to give the authorities in India "a clear indication of the principles on which we desire them to proceed," and to leave "the choice of means" for giving effect to them in their hands.
- (3) That the most promising materials for the elective element in India were to be looked for in the municipal bodies and local authorities in which that element is already included.

After a long debate, towards the close of which Lord Curzon accepted Mr. Gladstone's statement as to the objects with which the Bill had been introduced, Mr. Schwann withdrew his amendment and the Bill was read for a second time and referred for consideration in Committee.

21. On the 25th April Mr. Schwann brought forward an amendment the object of which was to graft on to the Bill before the House an extensive electoral scheme taken verbatim from the second of the two Bills introduced by Mr. Bradlaugh, one of the features of which was that election should be by ballot and that the franchise should be conferred on not less than 2 per cent. of the inhabitants of the territory under the Legislative Council concerned. The proposal was condemned by Lord Curzon as an ill-digested scheme and was described by Sir Richard Temple as "a most shadowy outline of a possible electoral system for a vast country comprised in the most indistinct terms". This amendment was also withdrawn. In moving it Mr. Schwann expressly disclaimed any intention of "giving the elective body the power of the purse" or putting the official element in a minority. He proposed however that divisions should be taken on financial matters and that members should be free to put questions and to call for papers.

22. At a later stage Mr. Schwann moved that the number of additional members of the Viceroy's Council should be not less than 40. No maximum was stated. He had also on the paper amendments proposing a minimum of 30 (no maximum stated) for Madras and Bombay, a minimum of 30 and a maximum of 48 for Bengal, and a minimum of 30 and a maximum of 36 for the United Provinces. Sir Richard Temple criticised the proposal on the ground, which has been freely taken in the present correspondence, that the increase of numbers would involve taking away many highly placed and highly paid officials from their ordinary employment. Lord Curzon took the same point and added that it would be difficult to get the requisite number of members, that the expense involved in travelling allowance and charges for residence would be considerable, and that the enlargement of the Councils would result in the formation of an

"opposition which would be all freedom and no responsibility" and would only lead to friction and possible hostility. The amendment was rejected. It is interesting to notice that this last argument has been made use of by Sir Bhashyam Aiyengar in his opinion on the Government of India's proposals. In the course of the same debate Mr. Maclean, formerly editor of the *Times of India*, proposed that the regulations made relating to nominations should require the sanction of both Houses of Parliament. This was opposed by Lord Curzon on the ground that it would lead to friction between the two Houses, and that it was in conflict with the powers conferred on the Secretary of State in Council by the Act of 1858. The amendment was rejected.

23. In connexion with the clause taking power to make rules for the discussion of the financial statement Mr. Schwann moved an amendment enabling any member "to submit or propose a resolution, and to divide the Council in respect of any such financial discussion" and also to enter a protest in writing which should be duly recorded. The amendment also proposed to enable any member "to submit or propose a resolution for the production of papers relating to any question and to divide the Council in respect of any such resolution". Lord Curzon pointed out that so long as the Government retained its official majority these discussions would be purely academic and would only generate friction between official and non-official members. The amendment was negatived. The Bill was read for the third time on the 20th May 1892. All of Mr. Schwann's amendments were taken from Mr. Bradlaugh's Bill of 26th November 1890.

24. I have thought it worth while to analyse as briefly as possible the debates in both Houses on the Bill of 1892 because they throw some light on the probable course of discussion on the legislation which will be undertaken this autumn. If precedent is followed it seems probable that a Bill embodying the conclusions arrived at by the Secretary of State in Council after considering the Government of India's proposals will be introduced in the House of Lords by Lord Morley. The debates in that House will probably be longer, more elaborate, and more detailed than they were in 1890-92. The presence in the House of Lord Curzon, Lord Ampthill, Lord Elgin, Lord Ripon, Lord Wolverhampton and Lord MacDonnell is in itself sufficient to make this almost certain. In the House of Commons lengthy and vigorous debates may be looked for; the House now contains a fairly large number of members who are interested in Indian questions and I should expect attempts to be made to embody in the Bill in some form or other most of the demands which have been made from time to time by the advanced party in India.

**ACTION
TAKEN UN-
DER THE
ACT OF 1892.**
Vol. II, pp.
230-245 of the
Council papers.

25. Soon after the Act had been received in India its provisions and the question of the action to be taken under it were reviewed in Lord Lansdowne's note of 16th June 1892. The greater part of that note is concerned with the Provincial Legislative Councils and will be examined in connexion with them. The Imperial Legislative Council is referred to in paragraphs 22, 23 and 38 which embody the following conclusions:—

- (1) That in the first instance the machinery of election should be applied to the Provincial Legislative Councils and that an interval of time should be allowed to elapse before the Viceroy's Council was taken in hand.
- (2) That the Provincial Legislative Councils would probably be the most convenient electoral bodies for choosing some at any rate of the additional members of the Viceroy's Council. This was the view which had been taken by Lords Northbrook and Ripon in the House of Lords on the 6th March 1890, by Sir Andrew Scoble in a memorandum written by him in 1892 and also by Sir Charles Elliott. It was further embodied in paragraph 1 of the Government of India's despatch of 26th October 1890 and in paragraph 4 of their despatch of 22nd March 1893 forwarding for the Secretary of State's approval regulations for the constitution of the Imperial Legislative Council.

Vol. II, p. 238^w of
the Council papers.

Ibid., p. 269,
" p. 273.

26. I need not recite at length the history of the proposals contained in our letter of 24th August 1907. **DISCUSSIONS OF 1906-07.**

The papers to be read are—

Report of the Councils Committee, paragraphs 44-62, Volume I, pages 128-132.

Paragraph 2 of Mr. Gokhale's note without date, Volume I, pages 6 and 7. This is important as expressly admitting the principle of a standing official majority.

Letter of 7th October 1906 from Mohsin-ul Mulk, Volume I, page 118.

The Muhammadan address of 1st October 1906 and His Excellency's reply, Volume II, pages 380-390. Paragraph 14 of the address sums up the points on which the Muhammadan community then laid stress.

Despatch to Secretary of State, no. 7 of 21st March 1907, paragraphs 1-7 and 39 to 57, Volume III, page 130.

Summary of discussions leading up to that despatch, paragraphs 22-38. See also "Points for decision by Council", Volume III, pages 46-56 and 68-70.

Secretary of State's despatch no. 71 of 17th May 1907, paragraphs 1-6 and 20-26. **Vol IV, Council papers, p. 26-38 and 34-37.**

27. The proposals of local Governments are abstracted on pages 15-20 of the large print précis, and the opinions sent up by them are summarised under the heading Imperial Legislative Council in the various précis in small print. Even in abstract the mass of matter is very considerable, and I think the simplest way of dealing with it will be to examine the various questions which arise and to indicate under each head what appear to be the leading opinions.

28. In paragraphs 10-12 of their letter of 24th August 1907, the Government of India expressed their desire that the Council should be enlarged with the object of giving effect to the principle of representation of classes and interests. Among local Governments, Bengal, the United Provinces, and Burma approve of the proposals and make suggestions tending to raise the number. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official members and proposes that their number should be reduced by giving their votes double value. Most of the opinions forwarded favour enlargement, and a number of persons either suggest a number larger than 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. On the other hand, Sir Bhashyam Aiyengar proposes to reduce the Council to the dimension fixed by the Act of 1861; and Nawab Muhammad Reza Khan is opposed to enlargement on the ground that valuable time would be wasted by speeches. Maharaj Kumar Kristo Das Law of Calcutta, whose opinion appears rather oddly among the Bombay enclosures, says that the non-official vote is practically useless, and suggests that the Council should consist only of official members. Mr. Teunon, Legal Remembrancer, Eastern Bengal and Assam, considers that the enlargement is unnecessary and will only protract debate and discussion. In the Punjab Sir William Clarke, Mr. Justice Robertson, Sir Thomas Walker and others think the Council as designed will be unwieldy and make various proposals for a smaller number. In connexion with the proposed enlargement a number of persons take exception to the increase in the number of additional official members on the ground that it will withdraw them from their ordinary duties at the most important time of the year, and will involve large expenditure in salaries. The criticism rests on the assumption that of the 20 additional officials proposed in the Government of India's scheme all or nearly all would be drawn from the provinces. This, however, is clearly a misconception for it would not be necessary to have more than 8 representatives of provinces, among whom the Bengal member would, as at present, discharge his duties in Council in addition to his ordinary work, while the balance required to make up an official majority could easily be provided from among Secretaries to the Government of India and heads of Imperial departments. Indeed, if the discussion of the Budget is to be conducted on the lines proposed, the presence of Secretaries and some heads of departments could hardly be dispensed with.

QUESTION OF ENLARGEMENT.

Madras précis, pp. 33-34

P. 22, Eastern Bengal and Assam précis.

Punjab, p. 37-38, 48.

**QUESTION
OF A STAND-
ING MAJOR-
ITY.**

29. The principle of a standing majority which is affirmed as essential in paragraph 10 of the Government of India's letter is challenged by the advanced party on a variety of grounds. It is said—

- (1) that as the provision for an official majority involves limiting the number of non-official members it prevents the adequate representation of the various interests which ought to be represented;
- (2) that it reduces the power and therefore the responsibility of the non-official members;
- (3) that the withdrawal from their ordinary functions of so many officials of standing and experience is detrimental to the public interest;
- (4) that it is unlikely that non-official members, both Indian and European, representing so many varied interests, will combine to oppose Government and that, if they did so combine, the Government could well give way without loss of prestige;
- (5) that the retention of an official majority is unnecessary because the Viceroy has the power of veto.

Bombay précis, p
18.

The Bombay Presidency Association, who argue this question very fully, admit that questions may arise on which it would not be advisable to yield to the opinion of the combined non-official majority, the most important of these being questions of finance. They divide such questions into—

- (a) Those in which any delay would, in the opinion of the Government, be injurious to the public interests. In these cases they consider that "the power of veto which will always vest in His Excellency the Viceroy would be a sufficient safeguard."
- (b) Those which are not emergent in point of time. As to these they suggest that the opinion of the majority should be recorded and the matter be referred, with the reasons on either side, to a committee composed of members of both Houses of Parliament, and drawn from both the great parties, for final decision.

30. It seems to me absolutely essential to maintain the principle of an official majority. The reasons are—

- (1) That the Government, if defeated on a critical division, cannot resign office and make way for a responsible Ministry representing the adverse majority. It is the Government, and not a casual and fluctuating number of non-officials, that has to carry on the administration of the country. If its Budget proposals were rejected and supplies withheld there would be a hopeless dead-lock. The Government could do nothing, and there would be no one to take its place.
- (2) That the mere power of veto is not (as several writers in these papers have contended) a sufficient substitute for a working majority. Its frequent exercise would be invidious; and while it would enable the Government to reject a measure of which it disapproved, it would not enable it to pass a measure which it considered necessary. In a large number of cases a Government cannot carry out a particular policy without legislation, and, if it is unable to pass the laws which the occasion demands, it ceases to be a Government at all in any intelligible sense of the word.
- (3) That the abandonment of an official majority in the Imperial Legislative Council would indirectly have the effect of making the Government of India politically independent of the Crown in respect of all matters dealt with by the Council. The same remark holds good of a Provincial Legislative Council in relation to the Government of India.

31. It will, I think, be admitted that the constitutional relations between the Home Government and the Government of India are such as to empower the one to direct the other to legislate in a particular sense for a particular purpose, and that the Government of India is entitled to give similar directions to local Governments. An instance of the former is the mandate issued to the Govern-

in Indian mills; an instance of the latter is the instruction conveyed to the Government of Bengal by the Government of India in 1899 to reduce the number of elected members of the Calcutta Municipality from 50 to 25. Failing an official majority the first mandate would certainly have been ineffectual. Whether the second could have been complied with would have depended upon the composition of the non-official majority, that is to say, on the question whether the European non-official members of the Bengal Council voting with the Government would have been numerous enough to carry the proposal. I freely admit that the idea of a standing majority lends itself to adverse criticism and has an invidious appearance. I also admit that in 99 cases out of 100 the European non-official members and possibly two or three Indian nominated members can be counted on to vote with the Government. But it is just the hundredth case, when some measure is brought forward which unites all the non-officials, European and Indian, in opposition to the Government, that might be of supreme political and constitutional importance. Let us suppose, for example, that as the result of enquiries into the working of cotton mills in Bombay the Secretary of State sent out instructions that the Bombay Council should legislate to limit the hours of adult labour. Such a proposal would almost certainly be opposed by all the non-officials in the Council and the sympathies of the local Government would probably be with them. If then, instead of carrying out the mandate of the Home Government, the Bombay Government represented that owing to the composition of their Council they were unable to pass the proposed Bill, the net result would be that they would have transformed themselves, so far as that proposal was concerned, from a subordinate Government into an independent Government. A similar result might be produced in the Imperial Council by a mandate to introduce a preferential tariff believed to be disadvantageous to India. I submit that a case of this kind however infrequent it is likely to be, must be borne in mind and provided for. But in order to provide for it we do not require a large majority. In this respect I think that the letter of 24th August 1907 went too far when it demanded a majority "strong enough to be independent of the minor fluctuations that may be caused by the occasional absence of an official member". It is not really likely that any important question would be decided either in the Imperial or the Provincial Legislative Council by a snap vote. The occasion would be foreseen and steps would be taken to have a sufficiency of officials in attendance. We may therefore safely reduce our working majority to the smallest dimensions by making the number of non-official members exceed by one the number of officials, excluding the Viceroy. When the extremely rare case of an absolute cleavage between officials and non-officials arises, the President's ordinary vote will make the numbers equal and his casting vote will decide the particular issue. This represents the irreducible minimum if the supremacy of the Executive Government is to be maintained by means of a numerical preponderance of single votes. It has moreover this tactical advantage that it gets rid of the stigma of an official majority altogether. If the head of the Government is counted the number of officials and non officials is equal. If the head of the Government is left out of account, as he fairly may be since he will not ordinarily vote on any but the most important questions, the number of non-officials will exceed by one that of officials.

32. In the foregoing paragraph I have endeavoured to state the case for a standing numerical majority of officials, actually appointed to the Council, and attending meetings regularly. That appears to be what is contemplated in the Secretary of State's despatch. But however forcible are the constitutional reasons for maintaining such a majority, there can be little doubt that it will be the butt of constant criticism and ridicule. The Native Press will never cease to dilate on the waste of time and money that the arrangement involves, on the curtailment of tours, the neglect of inspections, the empty offices when the Council is sitting, the arrears of ordinary work, and the unedifying spectacle of some fifty officials on the Imperial and Bengal Councils sitting silent in their places on the chance that they may be called upon to swell the official phalanx on a division. No doubt also, as soon as these papers are published, the most will be made of what will be described as the "broadminded and liberal" attitude of the Government of Bombay who in their two schemes of a Provincial Council provide (excluding the Governor) in the one case for only 12 officials against 32 non-officials, and in the other for 12 of the former and 44 of the latter. For these reasons it seems worth while to consider whether the mere numerical strength

of officials can in any way be reduced. One obvious device would be, while taking power to nominate so many officials, not actually to appoint them until they are wanted. In the case of the Imperial Council, for example, the rule might be that the number of additional officials shall be not less than 8, the number required to represent the provinces, and not more than 21 the number required to counterbalance, by means of the President's casting vote the solid voting-power of 30 non-officials. Proceeding on these lines, and assuming for the sake of argument that the Bills to be passed during a session were of such a character that the Government could count upon the support of a certain number of non-officials, nominated or elected, it is conceivable that the Imperial Council might be able to carry on its work without any more additional officials than the 8 provincial representatives. But if amendments to the Budget are to be proposed and voted on, and still more if members are to be allowed to propose resolutions, raise debates and call for papers on questions of general administration, it will be difficult to dispense with the full number of officials necessary to form a majority. The Government cannot afford to be beaten on the Budget or on a conspicuous question of policy unless it is clearly laid down that an adverse vote represents nothing more than an expression of opinion on the part of the Council and does not bind the Government to take any action. It may be urged in favour of this that resolutions of the House of Commons advocating public expenditure have no operative effect (May, page 572) and that resolutions relating to India (such as that in favour of simultaneous examinations, in India and England, for the Civil Service) are rendered nugatory by the Act of 1858 and have in practice not been treated as binding. But even for the purpose of defeating adverse amendments or resolutions, the extra officials need not be appointed for the entire session. If a definite period, say a particular fortnight, were set apart for the Budget discussions and for the moving of general resolutions, the necessary majority might be called into existence for that period only and then set free for their ordinary duties. An arrangement of this kind would reduce to moderate limits the waste of power inseparable from the official majority. It would not however enable the Government to increase the number of non-official members, and it does not get over the objection that the demand for an official majority imposes an artificial limit on the expansion of popular representation. Indeed, as the number of officials resident at or near the head-quarters of the Imperial and Provincial Governments is not likely to be greatly increased in future, and we are going to use them all up now, it follows that the official majorities contemplated in our present proposals will absolutely bar all further extension.

33. It is probably for this reason that people have looked in other directions for some means of maintaining the supremacy of the executive Government without overcrowding the Councils with superfluous officials. Here I may note in passing that this principle—that the Government must in the last resort be paramount—has been recognised all along both by the advanced party and by the most liberally inclined officials. Mr. Bradlaugh's first Bill of 12th February 1890 which proposed (clause 9) an Imperial Legislative Council of 80 members, 40 elected, and 40 nominated (of whom 20 must be officials and 20 might be either officials or non-officials) contained the following clause:—

“18. (b) The Viceroy and Governor General in Executive Council shall possess the power of overruling the decision arrived at by the majority of the Council, in every case in which, in his opinion, the public interests would suffer by the acceptance of such decision; but whenever this power is exercised a full exposition of the grounds on which this has been considered necessary shall be published in the *Gazette of India* within one month, and the Viceroy and Governor General in Council shall report and explain to the Secretary of State; and in any such case on a representation made through the Government of India and the Secretary of State by the over-ruled majority, it shall be competent to a Grand Committee of the House of Commons, appointed for the consideration of Indian Legislative Council Appeals, to consider the matter, and call for any and all papers or information, and hear any persons on behalf of such majority or otherwise, and thereafter, if needful, report thereon to the House.”

In proposing the fourth Resolution of the Congress of 1886, the substance of head 7 of which is reproduced in the clause which I have quoted, Babu Surendra Nath Banerjee was at some pains to explain that the powers of the Councils “are

to be of a limited character. They are not such as will displace or supersede the authority of the Executive Government, on the contrary, their exercise will be a source of material help to the Government." Two years later Sir George Chesney's Committee (which will hardly be described as illiberal or reactionary) while laying down for local Governments a principle equally applicable to the Supreme Government, proposed not only that the Government should ordinarily be able to command a majority in the Councils, but also, in view of the necessity of preserving their supremacy and ultimate responsibility, that power should be vested in them "to overrule the Council, and to adopt, suspend or reject an executive measure notwithstanding the vote of a majority of Council". It may be said that this was twenty years ago, and that since then we have travelled some distance in a less autocratic direction. But, as I have noted above, the Bombay Presidency Association, who represent the responsible section of advanced opinion, recognise the principle of the ultimate supremacy of Government over a majority of Council, though they propose to transfer the exercise of that supremacy from the Government here to a Committee of both Houses of Parliament at home, or, to be strictly accurate, from the Secretary of State in Council to a standing committee of Parliament, which in theory would be a non-party body, as both parties would be represented on it. Mr. Mudholkar of Berar, who represents the same point of view, does not go so far as the Bombay Association. In writing about the Budget he proposes to give the head of the Government "the power to over-rule and set aside the vote of the majority and to pass such order in regard thereto as might appear to him proper." Whatever may be the objections to the Association's proposal, and they are many, it at any rate admits that the Indian Legislative Councils, even if deprived of an official majority, must be subordinate in certain matters to the Government of India and in certain other matters to the Government at home. There is no claim to independence; no trace of the doctrine of *swaraj*; and British supremacy is explicitly acknowledged in paragraph 86 of the Association's letter. The sole attempt is to shift the ultimate authority from India to England, in the hope that the popular party would get more from a distant and comparatively ill-informed Parliamentary Committee than from an authority on the spot which is thoroughly conversant with the facts, and probably also in the belief that the system proposed by them would in practice induce the Government to go as far as possible in the popular direction in order to avoid a reference to the proposed Committee. It is right however to point out that while the Association protest against the principle of an official majority the Council proposed by them contains, excluding the Viceroy, 8 *ex-officio* and 16 nominated official members. So that, if the 2 members elected by the Chambers of Commerce voted on the official side, the Viceroy's ordinary vote would make the numbers equal and his casting vote would turn the scale. In effect, therefore, the most advanced of the bodies that we have to consider go as near as possible to conceding the very point which they dispute. Mr. Ibrahim Rahimtoola goes a step further. He considers a numerical majority indispensable, but in order to prevent it from acting arbitrarily would provide that when three-fourths or four-fifths of the elected members vote against a measure it should be postponed for six months. Even this, however, is guarded by the proviso that if a measure is "most urgent" the Viceroy may overrule the elected members and sanction reintroduction within the period of postponement. The best Madras opinions demur with more or less emphasis to an official majority, but propound councils which afford either a substantial majority or a working majority based on the casting vote, such as I have suggested above. The Bengal opinions contain nothing of value. The British Indian Association object to an official majority, but their reference to the casting vote admits its necessity in the last resort, and they do not seem really to have thought the question out. In the United Provinces Munshi Madho Lal sketches a council of 54 with only 16 officials: the Aligarh Trustees insist on "a standing and effective majority for the Government;" while the Maharaja of Benares says that "it is not advisable in any case to leave the legislative business of the Government of India at the mercy of the non-official members" and proposes a system of double votes which is examined below. The Burma opinions are silent on the subject. In Eastern Bengal and Assam Mr. Brown, Judge of the Assam Valley districts, proposes that the votes of *ex-officio* members should count double; and Kamini Kumar

Volume II, pages
168-9.

Bombay précis,
page 18.

Page 19.

Madras précis,
pages 36, 37, 42,
43, 45, 48.

Bengal précis,
page 8.

United Provinces
précis—
Page 12.
Page 9.
Page 10.

Eastern Bengal
and Assam précis,
page 15.

Eastern Bengal
and Assam précis—
page 17.

Page 19.

Punjab précis—
Page 37.

Page 39.

Page 57.

Page 60.

Page 60.

Page 49.

Page 43.

Page 68.

Chanda, a Sylhet pleader, would give the Government power to disallow hostile amendments or would deprive a number of the additional non-official members of the power of voting. Three Commissioners of the Dacca Municipality stand alone in the opinion that an official majority is needless, because Government has a veto, the non-officials will not combine, and public business ought not to be dislocated. Among the Punjab opinions Mr. Justice Chatterji, the representative of the pleader class, proposes an official majority of one; Amar Singh objects in general terms but makes no suggestion; the Hindu Sabha of Lahore propose what they describe as a safe reduction; the Bar of Gurdaspur are in favour of a standing Government majority "in the interests of general peace and order," etc. Lal Chand, pleader, Chief Court, has no objection; and Mul Chand, Government pleader of Sialkot, disputes the necessity of a majority but nevertheless provides for one. The Muhammadans, so far as they notice the point, generally insist that Government must have a majority. Mr. Wilson proposes that the official members should do council work in addition to their ordinary duties and as a rule only be summoned to actual meetings; Mr. Douie remarks on the artificial character of an official majority voting by mandate and suggests that the Executive Council should pronounce finally upon Bills after they have passed through the Legislative Council; and Mr. Maynard proposes either that official or *ex-officio* members should have plural votes on questions declared by the President to involve the supremacy of the executive, or that "some decorous plan of voting by proxy" should be devised.

33. In paragraph 51 above I have examined the suggestion that while an official majority should be provided for, the additional members necessary to secure it need not be appointed until they are actually required. So many seats will be reserved—a sort of cadre—but the cadre will not be filled unless a contentious Bill, or a contentious section in an otherwise non-contentious Bill, is about to come before Council. It seems to me that the proposal to have what may be called a *cadre-majority* represents the simplest solution of the difficulty. It affirms the principle of the ultimate supremacy of the Government, but gives effect to it only in cases of patent necessity, keeping it in the back ground on ordinary occasions. It thus avoids the inconvenience and waste of power involved in taking a number of officers away from their ordinary work, and the continual exhibition of a numerical majority voting by mandate.

34. The following less obvious modes of escape from these embarrassments may be noticed briefly:—

United Provinces
précis, page 10.

(1) The proposal of the Maharaja of Benares that in a Council of 40 (or with the Viceroy 41) there should be 15 official and 25 non-official members and that each official should have two votes on certain scheduled subjects, the Viceroy having power to add any measure to the schedule. On non-scheduled measures officials would have only one vote, but the Viceroy would have a veto and the power of dissolving the Council. The Lieutenant-Governor regards the scheme as ingenious but not feasible. The objections that occur to me are—

- (a) It is palpably artificial.
- (b) Some of the scheduled subjects are stated in very general terms.
- (c) The power to add to them is indefinite and would provoke criticism.
- (d) It is anomalous that the same person should have two votes on one set of subjects and only one on others.

(2) The Chief Commissioner of the Central Provinces proposes that each official vote should on all occasions (and not merely with reference to particular subjects) count for two, the Viceroy having power to suspend the rule. His statement of the case (paragraph 24 of his note) should be read.

Punjab précis, page
68.

(3) A variant of No. (2), mentioned by Mr. Maynard, Commissioner of Multan, that *ex-officio* members might be given more than a single vote, such votes being exercised only when the President declares a particular question to be one involving the supremacy of the executive authority.

In favour of this it may be urged that the *ex-officio* members belong to the inner circle of Government and are conversant with the policy which underlies particular measures, so that there are special reasons for investing them with extra voting power, which do not exist in the case of ordinary official members. The device would not help us much with Provincial Councils, as in Madras and Bombay it would add only two votes and none at all in the other Provinces. In any case the head of the Government should not have a plural vote, as in virtue of his position he has a casting vote on an equal division. But if a plural vote for *ex-officio* members were introduced into the Imperial Council, it would be a simple matter to make the Secretaries to local Governments, and perhaps the Advocate General, (though his case is open to argument) *ex-officio* members of the Provincial Councils. It is possible, indeed, that this may be desirable apart from the present proposal. It may, perhaps, be added that a further argument in favour of a plural *ex-officio* vote may be discovered in the fact that it would lend itself to a progressive increase in the size of the Councils as the spread of English education brings forward new interests claiming representation, or leads existing interests to demand more seats. If a plural vote can be justified by the peculiar position of the "non-parliamentary executive" in India, there is no reason why the number of votes exercised should be limited to two, especially if that limitation has the effect of stereotyping the Councils.

Dicey, *Law of the Constitution*, page 412.

The suggestion that the plural vote should only be exercised on a declaration by the President does not commend itself to me. 'It will tend to concentrate criticism upon him, a circumstance which may deter some Presidents from using the power, and it is probable that occasions may arise when the decision to use it or not to use it may have to be taken while a debate is proceeding and without opportunity for consultation. I should prefer to treat the arrangement as a constitutional safeguard which the President may dispense with when he thinks fit. Every such dispensation would be a concession to the popular view and, as Mr. Craddock observes, would tend to raise their sense of administrative responsibility. On Mr. Maynard's system the President would never make a concession; he would merely refrain from using his power; and whenever he did intervene, his intervention would be represented as an exercise of arbitrary discretion, while the instances of abstention would pass unnoticed.

- (4) Mr. Maynard also suggests that "some decorous plan of voting by proxy" should be devised so as to enable the official majority to be used without being present in the flesh. Seeing that the practice of using proxies has been discontinued in the House of Lords, (where it had long existed by royal license) under a standing order of 1868 it seems hardly worth while to discuss the point. The usage of clubs and Joint Stock Companies cannot be treated as a precedent for a legislative body.

May's Parliamentary Practice, pages 178, 370-71.

- (5) It has also occurred to me that, in order to reduce the size of the official majority, it might be laid down that no Government proposal should be rejected by anything less than a two-thirds majority, the President having power to suspend this rule.

A certain amount of support can be derived for this from the numerous proposals made in connexion with the Advisory Councils that a two-thirds or three-fourths majority should have an absolute or suspensory veto on any Government proposal. It may also be said that the defeat of a Government, which cannot go out on a measure which its members regard as essential, is of itself a constitutional crisis of such moment that special precautions must be taken to guard against the *impasse* which it would produce. The proposal is however open to the objection that it would not enable the Councils to be expanded beyond a certain size unless additional officials were appointed in corresponding proportion. Given 16 officials, (8 *ex-officio* and 8 for provinces), and the two-thirds rule, 48 non-officials could be elected or nominated and the Imperial Legislative Council raised to 64. But that limit could not be exceeded without bringing in more officials merely or mainly for voting purposes. A really large Council can only be constructed by giving officials plural votes, and raising the value of each vote as the size of the Council is increased. The idea is *outré*, but so is the entire situation, if regarded from the ordinary European point of view.

**QUESTION
OF INCLUD-
ING A RUL-
ING CHIEF.**

35. The inclusion of a ruling chief in the Imperial Legislative Council is objected to by a large number of persons, on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a chief can know very little about the subjects with which British Indian legislation is concerned. The Government of Madras mention but do not endorse this criticism. The Lieutenant-Governor of Bengal approves of the inclusion of ruling chiefs because they "are not altogether without concern in Imperial legislation." The United Provinces says nothing on the point, but observes in connexion with the Imperial Advisory Council that ruling chiefs "are likely to be shrewd and competent advisers on matters connected with our administration." It may be added that on previous occasions ruling chiefs have been nominated as members of the Viceroy's Council. The Punjab Government is also silent, but in speaking of the Advisory Council notices "the undesirability of allowing the chiefs to have too direct a voice in affairs concerning British India only." On the whole, I venture to think that a ruling chief should not form an obligatory element of the Council. When there happens to be a specially suitable man available, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a religious minority such as Muhammadans or Sikhs.

**REPRESENTATION
OF COMMERCE.**

36. There is a general feeling that the representation provided for commerce in the Government of India's scheme is inadequate. The Lieutenant-Governor of Bengal proposes that the number of nominations under head E. should be increased in order to give two members to the planting and manufacturing industries of northern India. The Lieutenant-Governor of the United Provinces supports the suggestion of the Upper India Chamber of Commerce that it and the Punjab Chamber should elect a representative either alternately or jointly. Sir John Hewett says that his personal experience has shown him that the Chamber of Commerce on the seaboard towns do not always understand and appreciate the needs of commerce in the interior of the country, and that the interests of the two bodies may clash. As to Indian commerce, he is strongly of opinion that it should be represented on the Imperial Council, but he can suggest no method of effecting this by election, and he therefore proposes nomination. The Lieutenant-Governor of Burma recommends that one member should be elected by the Rangoon Chamber of Commerce.

Madras précis,
pp. 34, 38, 40, 46.

37. The Madras Government do not notice the point and the Madras Chamber of Commerce merely observe that the privilege of electing a member should not be confined to the Calcutta and Bombay Chambers, but should be extended to some at least of the other important Chambers. Mr. Twigg, 3rd member of the Board of Revenue, Mr. P. A. Booty, Collector of Chingleput, and Mr. Rice, Collector of North Arcot, suggest that the seat allotted to a ruling chief should be given to the Madras Chamber of Commerce; Mr. Partridge thinks that if the Chambers have only two members all should be represented in turn. A number of non-officials in Madras would give a permanent elected seat to the local Chamber of Commerce.

Bombay précis,
pp. 13—19.

38. The Bombay Government say nothing about the constitution of the Imperial Legislative Council, but the Hon'ble Mr. Thackersey thinks that the Bombay Millowners' Association should be given a representative, the seat reserved for a ruling chief being dispensed with; and a public meeting at Ahmednagar propose to give four commercial seats to Calcutta, Bombay, Madras and the Punjab and the United Provinces together. The Indian merchants of Bombay ask for at least one seat on the ground that the Bombay and Bengal Chambers of Commerce are exclusively European, and have only five or six Indian members and no Indian merchants on their Committees. The Bombay Presidency Association propose that two representatives of Indian mercantile interests should be elected by the provinces, those who pay a certain amount of income-tax being given the right to vote, and electoral colleges being formed according to the importance and value of the different trades and industries. If necessary the right may be exercised by rotation. The Bombay Municipality suggest that the native mercantile community of the City of Bombay should be given adequate representation by election, and the Hon'ble Mr. Ibrahim Rahimtoolah says the same about Indian mercantile interests generally.

39 The Bengal National Chamber of Commerce complain that their Association, representing the internal trade of the country, has been altogether ignored. The Bengal Chamber of Commerce observe that in their opinion mercantile interests are most inadequately represented, and ask for two additional non-official members, one to represent the planting interests and to be selected alternately by the Indian Tea Association and the Behar Planters' Association, and one to represent the manufacturing industry of northern India and to be selected alternately by the Bengal Chamber of Commerce and the Upper India Chamber of Commerce. In the United Provinces the Hon'ble Munshi Madho Lal proposes five commercial members representing the Chambers of Commerce, Calcutta, Madras, Bombay, Karachi and Cawnpore, and public opinion in Basti proposes four commercial members, two to be Indians.

Bengal p écis, pp. 7 and 8

United Provinces
pécis, p 17.

40. In Eastern Bengal and Assam four Tea Associations suggest that the tea industry should nominate one member; the Chamber of Commerce, Chittagong, urge the claims to representation of the commercial interests of Chittagong in Eastern Bengal and Assam, and the Chittagong Port Commissioners suggest that there should be not less than one non-official representative of commerce and industry in that province. The Hon'ble Sita Nath Ray would give the right of election to the Bengal National Chamber of Commerce and to any association in Bombay representing Indian commerce there. The Agent, Assam-Bengal Railway, considers that commercial and industrial interests should be represented for each province. Mr. LeMesurier, Commissioner of Dacca, refers to the omission of any provision for the representation of tea and jute.

Eastern Bengal
and Assam pécis,
pp 14, 15, 21, 22.

41. In the Punjab the Hon'ble Mr. Wilson, Financial Commissioner, suggests that a member should be elected alternately by the commercial classes of the Punjab, the United Provinces and the Central Provinces and those of Madras and Burma, the electorate in each case being individuals and firms paying income tax on Rs. 50,000. Mr. Humphreys, Deputy Commissioner, Delhi, considers that the Chambers of Commerce should have three seats on the Council, two being elected by the Bombay and Calcutta Chambers, and the third in alternate sessions by the three Chambers in Northern India and the two in Southern India. The Chamber of Commerce, Lahore, recommends that "an additional commercial member should be allotted to Northern India and another to Southern India to be elected either conjointly or in rotation (the latter preferably) by the Upper India and the Punjab Chambers of Commerce and the Madras and Rangoon Chambers of Commerce respectively." The Hindu Sabha, Lahore, would give five members to the Chambers of Calcutta, Bombay, and other commercial Associations, three being Indians and two Europeans. The Punjab Trades Association think that the Chambers of Commerce of Madras, Upper India, the Punjab and Karachi should each nominate a member. In Burma Mr. Gates, the Financial Commissioner, and the Rangoon Municipality suggest that the Burma Chamber of Commerce should elect a representative.

Punjab pécis,
pp. 49, 56, 57, 58,
70.

Burma pécis, page 6.

42. I am not sure that this enumeration of opinions is exhaustive, but it is sufficient to show that there is considerable feeling in favour of increasing the number of commercial elected members. It is difficult however to find room for more than four commercial members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business in order to attend meetings of the Legislative Council. Taking four seats as the maximum likely to be available, I suggest for consideration—

- (1) That the Calcutta Chamber should have a permanent seat.
- (2) That two seats should be allotted to the Chambers of Commerce of Bombay, Burma, Madras, Upper India, Karachi and the Punjab on a system of rotation so arranged that it would be open to a particular body to decline its nomination for one term and take it up the next. This would meet the difficulty noticed above.
- (3) That Indian Commerce should be represented, at any rate for the present, by one nominated member to be selected by the Viceroy, with some regard to provincial or territorial rotation, in consultation with the local Governments concerned, who in their turn would consult such Indian commercial associations as are of sufficient standing and stability to be consulted. That seems to me to be

as far as we can go at present. We cannot assign the seat in turn to Indian commercial Associations partly for the general reasons given in paragraphs 5—6. below, and partly because it is doubtful whether such associations exist in every province. Nor does Mr. Wilson's commercial electorate sound promising. It would contain too many conflicting interests, and the income-tax test would include European firms who would be already represented through the Chambers of Commerce. Finally commercial interests can hardly be said to be grouped by provinces: they go rather by territorial areas and the class of business that is done. These considerations can easily be taken into account under a system of nomination: it is difficult to adjust them to any method of election.

**QUESTION
OF ELECTION
BY PROVIN-
CIAL COUN-
CILS.**

43. The Government of India's proposal to assign seven seats to the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma is accepted by all local Governments, except the Punjab, which observes that as the number of non-official members on its Provincial Council will probably remain small, "it would be difficult, though not of course impossible, to concede to them the right of electing a member for the Imperial Council." The scheme, however, comes in for a good deal of criticism from other sources. Thus in Madras Mr Krishnan Nayar, member of the Legislative Council, observes that the number is inadequate to represent the smaller landholders, industry, capital, and the people generally, being only three more than are now elected. Mr. Govindraghava Aiyar proposes that seven Councils should elect two members each and Burma one, making 15 in all. A similar suggestion is made by the Madras Mahajana Sabha who remark that the Government's scheme practically shuts out the educated classes, the real representatives of the people. Several persons propose that the number should be doubled, so that the seven provinces mentioned in our letter will each get two members. In Bombay the Presidency Association observe that the seven members to be elected by the non-official members of the Provincial Councils, while 11 seats are reserved for election by minorities and special interests, are inadequate to represent the vast masses who can be counted by so many millions, and that the real increase of the people's representatives is only from four to seven, this being due to the addition of the three Provincial Councils of Eastern Bengal and Assam, the Punjab, and Burma. They accordingly propose that the number elected by the non-official members of the Provincial Councils should be raised from 7 to 16 so as to allow two members to each of the eight provinces.

Madras précis pages 35, 36 and 48.

Bombay précis, page 18.

Bengal précis, page 7.

United Provinces précis, page 12.

Eastern Bengal and Assam précis, pages 17 and 24.

Punjab précis, page 38.

Punjab précis, page 48.

Page 49.

Pages 43 and 60.
Page 48.

Page 50.

44. In Bengal the Bhagalpur Landholders' Association also propose that the number of members to be elected by the Provincial Councils should be raised from 7 to 14 so as to provide for the representation of industries, agriculture and the professions. The only person in the United Provinces who takes the same point is Mr. Madho Lal who proposes that seven Provincial Councils should elect three members each, 21 in all. In Eastern Bengal and Assam, Manick Chandra Barua of Gauhati and the Bar Library Sylhet propose to raise the number from 7 to 14, the latter remarking that "this will afford greater opportunities for the representation of minorities". In the Punjab Lieutenant-Colonel Davies, Commissioner of the Jullundur Division, observes that if the non-official members of the Provincial Councils are to be allowed to elect from outside their own number, a qualification for election should be distinctly laid down. Sir Thomas Gordon Walker is of opinion that the non-official members of a Provincial Legislative Council will never form a satisfactory electorate. He goes on to say "and I would not add the four (*sic*) provinces proposed by D (b)". The Honourable Mr. J. Wilson, Financial Commissioner, suggests that the electorate should consist of the past and present non-official members of the Punjab Council, who should be required to elect from among their own number alternately a Muhammadan, a Hindu, or a Sikh, unless they chose to elect a Christian, in which case his term of office should be excluded in reckoning the alternation. Messrs. Douie and Sykes would include the Advisory Council in the constituency, while Major Popham-Young and Mr Atkins would give the Advisory Council the right of selection. Messrs. Diack and Younghusband would appoint by nomination. Mr. Miles Irving thinks that election by the non-official members of the Provincial Council would introduce "an element of discord by dividing

Hindus and Muhammadans and making the numerical preponderance of one or the other a matter of serious importance". He suggests that this difficulty might be got over by laying down that the members should be bound to elect by turns a Hindu or Sikh, and a Muhammadan, an adherent of some other religion being intercalated every fifth time. Malik Umar Hayat Khan takes the same view and fears that life-long enmities may arise in consequence. Several other Indians, Sardar Pratap Singh, Rai Sahib Mohan Lal, Pir Bakhsh, pleader, and Malik Chiragh Khan, are also advocates of nomination, but for the most part Indian opinion is in favour of extending to the Punjab the plan already in operation in other provinces. Mul Chand and Gonda Singh suggest that two members should be elected by each of the Provincial Councils. Burma opinion generally supports the Government of India's proposals, but Mr. Gates suggests that the province should send two non-official members, one elected by the British members of the Chamber of Commerce, and the other by the non-official members of the Provincial Legislative Council conjointly with the members of the Divisional Advisory Council suggested by him.

Page 58.

Page 59.

Pages 60-61.

Burma précis, p. 5.

45. Looking to the general trend of opinion it seems to me that the system of election by the non-official members of the Provincial Council, which has been in force ever since 1892, ought to be maintained in the provinces where it now exists, and, if possible, extended to Burma, the Punjab and Eastern Bengal and Assam. The practice ranks now as an established precedent. It is regarded, throughout the opinions, as providing an electorate for the educated classes, and the withdrawal of the privilege would be exceedingly unpopular. If it were to be withdrawn, it would be necessary to substitute for it a constituency of a similar character consisting, let us say, in each province of the Senate of the University and the registered graduates of a certain standing. Assuming the electorate to be maintained, there seems to me to be considerable force in the contention that the number of members assigned to it should be increased. There can be no doubt that our proposals have given rise to a general impression that they are aimed at reducing the influence of the educated classes in various ways, and I think it would be politic to increase the number of members to be elected by Provincial Councils. We cannot, however, give each of the seven Councils two members without raising the total strength of the Council to an extent that would be inconvenient. I suggest as a compromise that the four provinces which will have comparatively large Provincial Councils, namely, Madras, Bombay, Bengal, and the United Provinces, should be allowed to elect two members, the three provinces with smaller Councils, namely, the Punjab, Eastern Bengal and Assam and Burma getting only one member each. This would raise the number of members elected by Provincial Councils from 7 to 11 which seems a fair allotment so far as the Provinces with Councils are concerned.

46. We have also to consider the case of the Central Provinces. The Chief Commissioner does not propose to create a Legislative Council at present, but suggests that the Central Provinces representative under head D (b) of the Government of India's scheme should be elected by the 8 elected members of the Provincial Advisory Council outlined in paragraph 30 of his letter. The objection to this is that the weight of official opinion is against election to the Advisory Councils and if it is decided that their members are to be nominated, the Central Provinces must conform. Election by a nominated Advisory Council, however, would not satisfy the educated classes in the Central Provinces. Mr. Mudholkar, who represents those classes, proposes that the Central Provinces and Berar should be represented on the Imperial Legislative Council by 3 members, one elected by the non-official members of the partially elective municipalities, a second by the non-official members of District Boards, and the third by all registered graduates of a British or Indian University of five years' standing who possess certain property qualifications. Mr. Robertson thinks that one nominated member would be sufficient for the Central Provinces, and suggests that the Chief Commissioner might select him from among three persons recommended by the Advisory Council. Mr. Walker prefers simple nomination; if there is to be only one member; but if there are to be two, would have them elected by the Advisory Council proposed in paragraph 5 of his letter, one by the darbaris

CASE OF
THE CENTRAL PROV.
INCES.

and the other by the representatives of local bodies. I think the Central Provinces has a fair claim to a member under D (b), and looking to the difficulty of forming a suitable electorate, I would have him nominated by the Chief Commissioner.

47. Two other suggestions perhaps deserve mention—

- (1) That the constituency should be enlarged by including past and present non-official members of Provincial Councils.
- (2) That some restrictions should be imposed as to candidates, such as that only those persons may be elected who are or have been themselves members of Provincial Councils.

The objection to the first proposal is that it may bring in as electors a number of old men who are out of touch with affairs, and whose votes would not be worth much. For the second proposal I think there is something to be said. It may fairly be argued that experience in a Provincial Council is a suitable qualification for the Imperial Council. As against this it may be urged that it is extremely unlikely that the members would ever elect outside their own number, and that this being so, it is a question whether we should run counter to the general feeling against imposing any restrictions at all on electorates in a case where such restrictions are not really required. It must be remembered, however, that in the case of the Provincial Councils it will probably be necessary to lay down some qualifications for the members to be elected by district boards and municipalities, owing to the low franchise obtaining for those bodies, and it seems hardly logical to fix no qualifications for the Imperial Council. I suggest, therefore, a property qualification somewhat higher than that fixed for membership of the Provincial Councils.

REPRESENTATION OF LANDHOLDERS.

48. Our proposals regarding the representation of great landholders are contained in paragraphs 14-15 of the letter of 24th August 1907. Three alternative methods are suggested, namely—

- (1) Election by a provincial electorate based on the payment of a certain amount of land revenue.
- (2) Election by the landholding members of the Provincial Councils, either from among their own number, or from among landholders paying the amount of land revenue that may be fixed as giving the right to vote or to be a member of a Provincial Council.
- (3) Nomination.

49. In their letter of 22nd May the Madras Government observe that the amount of land revenue paid is not a good test of either income or influence, because there are many zamindars whose *peshkash* was not fixed with reference to the assets of their estates. The same may be said of the quit-rent paid by inamdars and tenants under zamindars, who pay as such no revenue to Government, while some of them derive considerable incomes from land. They propose, therefore, to base the electorate, not upon the amount of land revenue paid, but upon the income derived from land. If an income of Rs. 10,000 from land is the minimum qualification for Madras the electorate would number 265, of whom 159 are zamindars and proprietors, 59 inamdars, 66 riotary holders and one zamindar's tenant. Madras consider that in the first instance this constituency should be tried. It is considerably larger than that suggested by the Government of India (100—150), but if the qualification were raised the electorate would almost exclusively represent one class, the zamindars, who will in any case preponderate. If election is found to be unsatisfactory they would have recourse to nomination. The Bombay letter omits all mention of the Imperial Council, and leaves us completely in the dark as to the manner in which the Bombay landowning representative should be selected. In both of their schemes for Provincial Councils only three landowning members are provided for, which seems an unduly small constituency for the purpose of electing a member to the Imperial Council. The point will have to be cleared up in consultation with Bombay. Bengal proposes that the Provincial electorate should contain 100—150 members; that cesses indicating an annual value of, say, half a lakh should confer the

franchise; that the member elected should belong to the landowning class; and that the qualified landowners should assemble at Calcutta for the purpose of voting. The letter gives no indication that the subject has been worked out on a statistical basis. The United Provinces Government proposes that the landowners' representative should be taken alternately from Agra and Oudh; that in Oudh he should be elected by the British Indian Association, and that in Agra a separate electorate should be constituted, comprising 284 persons paying Rs. 10,000 a year land revenue, and all landowners possessing certain titles officially recognised. The object of this latter condition is to admit some landowners of influence who pay less than Rs. 10,000 land revenue. Candidates should be qualified as electors, and should reside on their estates at least six months in the year. It is suggested that votes should be sent by registered post (presumably to the Secretary to the Legislative Council), the letter being attested by the seal of the District Magistrate. We are not told what is to happen if no one gets an absolute majority. The Punjab Government does not express itself very distinctly on the point, but I gather from paragraphs 34 and 39 that the Lieutenant-Governor considers nomination to be the only course practicable under existing conditions. The Burma Government accepts our proposals, which make no provision for the election of a landholder in that province. Eastern Bengal and Assam proposes that in the first instance at any rate the landowning representative should be elected by the Eastern Bengal Landholders' Association. The Central Provinces proposals are contained in paragraph 21 of the Chief Commissioner's note. Mr. Craddock observes that an electorate based upon payment of Rs. 5,000 land revenue would comprise about 150 persons, but would include many money-lenders who had acquired land, and would exclude many ancient families. It would also include many backward proprietors, and exclude men of smaller means but greater intelligence. Accordingly after discussing, in a rather ambiguous fashion, the formation of an electorate composed of District Darbaris, he concludes that "as a beginning at all events, it would be preferable for the representative to be nominated by the Head of the Administration out of candidates selected from the various District or Divisional Darbaris." The proposal is obscure. By whom are the candidates to be selected? Are the Darbaris to vote, and if so, how? Or are the local officials to make a selection and the Chief Commissioner to nominate from among the persons selected? Or again, as is suggested by the last paragraph of Mr. Fox-Strangways' letter are the Darbaris to elect by divisions and the Chief Commissioner to nominate from the five persons elected? It seems probable that this is what is intended. But I think it unlikely that election by a number of Government nominees will satisfy any body. On the other hand it is possible that the proposal may be justified by the fact that all landholders of a certain status are in practice Darbaris.

50. The Madras Landholders' Association claim distinct representation for zamindars proper based upon payment of *peshkash* of not less than Rs. 10,000 a year, or of land cess on an annual rent value of Rs. 25,000. The candidate should be a member of the zamindar class, and should be elected direct by the whole body of zamindars. On the other hand, the South Indian Landholders' and Traders' Association consider Rs. 10,000 too high, and think that payment of land revenue of Rs. 4,000 or land cess on a rental of Rs. 20,000 would be a proper standard. They insist that the candidate should be a member of the same class as the electors. The Raja of Venkatagiri thinks that in the case of candidates the qualification of Rs. 10,000 land revenue should be relaxed so as not to exclude capable men, but he also holds that the nominee must belong to the landowning class. Mr. Krishnan Nayar, member of the Legislative Council, thinks Rs. 10,000 land revenue too high a qualification, and observes that in Madras it would enfranchise only about 80 zamindars residing in 12 districts. Mr. Vijiaraghava Chariyar, *ex-member*, Legislative Council, objects to the special representation of landowners on the grounds that they do not represent the people; that their interests are opposed to those of the ryots; and that recent legislation has been undertaken in order to restrict their powers. The District People's Association, Madura, say that out of the 920 zamindars only 80 pay Rs. 10,000 a year and these are confined to 12 districts. "The ryotwari landlords paying Rs. 10,000 a year can be counted on one's fingers, and probably are confined to the district of Tanjore." Mr. Rice, Collector of North Arcot, says that it

Madras précis, p.

35.

P. 37.

P. 38.

P. 40.

- would be difficult to find 100—150 landholders paying Rs. 10,000 or possessing an equivalent income, and suggests that in any case the landholder's franchise should be based on income rather than on land revenue because the latter varies greatly.
- Madras précis, P. 41.
P. 42.
P. 42.
P. 43.
Pp. 43-44.
P. 45.
P. 46.
- Chinnaswami Pillai, Malabar, holds that the landowning member should be nominated. N. Krishnaswami Aiyangar, High Court Vakil, Tanjore, thinks that the qualification for voting should be Rs. 5,000 and for election Rs. 10,000; that a general electorate would be impracticable; and that the landholder's representative should be elected by the landholding members of the Provincial Council either from among themselves or from other qualified landholders. Periyaswamy Muthya Udayar makes a similar proposal, but suggests "care being taken that the member elected is not one of the Provincial Council". The Raja of Pithapuram points out that there are only two zamindari representatives on the Madras Legislative Council, and suggests that the entire body of landholders should elect their representatives direct. Raja Vairicharia Virabhadra Razu, zamindar of Kurupum, thinks that the landholding electorate should consist of landholders with an annual rental of Rs. 15,000, or half of that in the case of registered graduates. The Hon'ble Mr. Guruswami Aiyar would have no separate electorate for the landowners, but would give them an adequate voice in the general elections. Vasudeva Rao of Cuddapah remarks on the difficulty of forming a scattered electorate, and proposes that the Madras Landholders' Association and all District Associations should elect the landholding member, who should have a land revenue qualification of Rs. 10,000. Mr. Booty, Collector of Chingleput, considers that a landowning electorate of 100 to 150 would lend itself to the machinations of wire-pullers, and that "the best result would probably be secured by a method of district voting delegates, the delegates selected by the respective district electorates meeting together in the presidency town to nominate their candidate". The Madras Mahajana Sabha would give three seats to landholding associations.
- Bombay précis, P. 15.
Ibid.
P. 16.
51. In Bombay the Gujarat Sabha, Ahmedabad, suggest that the payment of Rs. 2,000 land revenue should give the right to vote and that landholders should not be required to elect one of their own class. The Hon'ble Mr. Gokuldas Kahandas Parekh observes that the great landholders would not necessarily represent the small ones, and that 7 seats out of 23 is disproportionately high. He suggests that the agricultural classes, through the district boards, should elect one member for each province. The Commissioners of Divisions propose that the Bombay landowning member should be elected by the whole body of non-official members of the Provincial Council from among one of the following classes :—
- (a) Nominated landholders.
 - (b) Sind Jagirdars.
 - (c) Gujrat Talukdars.
 - (d) Deccan Sardars.
- Ibid.*
P. 18.
- The President, Broach Municipality, thinks that a landholder should be elected for each province by landholders having an annual income of Rs. 25,000 and upwards. The Bombay Presidency Association consider that the representation of the great landholders is excessive and should be reduced to three, the condition that they must elect from their own class being dispensed with.
- Bengal précis, p 7.
52. In Bengal, the Behar Landholders' Association approve generally of the scheme, but think that the electorate should be based on income and not on land revenue, and that the qualifications for Muhammadans should be somewhat lower than for Hindus. The Bengal National Chamber of Commerce consider Rs. 10,000 land revenue too high a qualification. They give instances to show that the payment of a given sum as Government revenue is not a proper test and may work unequally. They propose that the qualification both for voters and candidates should be payment of Rs. 2,000 land revenue, or a net income of Rs. 25,000 from land, or the payment of income-tax on an income of Rs. 25,000. The Bhagalpur Landholders' Association approve of the reservation of seats for landholders, and suggest that election should be by a separate constituency of moderate size; that the member should belong to the class represented; and that the qualification should be an income of Rs. 50,000 a year. The Orissa Association suggest that the amount of land revenue giving

the right to vote should be reduced from Rs. 10,000 to Rs. 2,000. If this is not done, there will be very few voters in Orissa and most of them will be non-residents. The British Indian Association think that the landholders should have an independent electorate in preference to election by the landholding members of Provincial Councils, and that the minimum qualification should be a net income of Rs. 2,000 from land as shown by the road cess returns.

Bengal précis, p. 8.

53. In the United Provinces, the British Indian Association, Oudh, claim that they should elect a member in every term, and not alternately with Agra as proposed by the local Government. The Landholders' Association, Agra, suggest that there should be one member elected by landholders paying not less than Rs. 10,000 land revenue. If, however, the member is to be taken alternately from Agra and Oudh they propose that he should be elected by their Association and other recognised Associations in Agra, the number of votes assigned to each being determined by the local Government. The Allahabad University suggest that the landowning electorate should consist of landholders paying not less than Rs. 5,000 Government revenue or owning land assessed at this sum, and all persons paying income-tax on Rs. 5,000, and that candidates for election should pay Rs. 25,000 land revenue or income tax on a like amount. The Maharaja of Benares thinks that the amount of revenue giving the right to vote should be determined by the local Government, with reference to the number of landholders in the province, so as to give an electorate of 100 to 150; and that the electors should elect district representatives who would meet at the capital under the presidency of the Commissioner and vote by ballot. The qualifications for a candidate should be that he knows English enough to understand the proceedings (or is wealthy enough to employ a secretary to translate for him), that he pays land revenue of not less than Rs. 10,000 a year, and that he lives on his own estate for at least six months a year. Raja Muhammad Ali Muhammad Khan, Talukdar of Mahmudabad, considers that the Talukdars of Oudh should have a permanent member; that the Landholders' Association is not sufficiently representative of the province of Agra; and that all landholders paying Rs. 5,000 land revenue should be formed into an electorate. Candidates should be landholders paying not less than Rs. 10,000. The Hon'ble Rai Sunder Lal suggests that all landholders in the United Provinces paying Rs. 10,000 should elect their representative. The proposal that Agra and Oudh should elect in alternate terms is open to the objections that it places the more numerous landholders of Agra on the same footing as those of the smaller province of Oudh, and that it tends to perpetuate the division between the two provinces. Mr. Conybeare, Commissioner of Meerut Division, thinks that the representatives of the territorial classes should be appointed by nomination, as the elective system would introduce wealthy money-lenders, prosperous lawyers, and others whose primary occupation is not landholding. Mr. Partridge, Commissioner of Gorakhpur, considers that Agra and Oudh should be represented alternately, and thinks that Rs. 5,000 land revenue would be a suitable qualification for the Agra electorate. Mr. Lovett, Commissioner, Benares Division, thinks that the landowning representative should be nominated, as that method is more in consonance with the traditions of the landholders and more likely to secure the best men. If election is thought to be desirable, he agrees that Agra and Oudh should be represented alternately, and thinks that in Oudh the British Indian Association should elect, and that in Agra a landholding electorate should be formed with a high property qualification and conditions as to residence. Mr. Molony, Collector of Gorakhpur, considers land revenue of Rs. 10,000 a fair qualification, and agrees that the member might be chosen alternately from Agra and Oudh. Mr. Lindsay, Legal Remembrancer, sees no reason for apprehending that an electoral body composed of landed proprietors would fail to return a suitable representative. "The wire-puller finds greater scope for activity among an electorate which is confined to a small area."

United Provinces
précis, p. 9.

P. 10.

P. 11.

P. 12.

P. 13.

54. The Eastern Bengal and Assam Landholders' Association suggest that the amount of land revenue qualifying for a landholder's seat should be reduced to Rs. 5,000. Mr. B. K. Mullick, District and Sessions Judge, Chittagong, would increase the number of landholding members to 10, the number of official members being reduced in proportion. He observes that the condition requiring

Eastern Bengal
and Assam précis,
p. 14.
P. 15.

Eastern Bengal
and Assam précis,
p. 16.

P. 17.

P. 18.

P. 19.

P. 20.

P. 21.

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the landholding members to belong to the class of landholders is repugnant to the principle of representation. The apprehension that the landlords will be worked upon by wire-pullers who have no interest in the land is imaginary. Mr. Abdul Majid, District and Sessions Judge, Rajshahi, says that if the landholders are elected by the Provincial Councils the electorate will be too small. On the other hand, if the entire body of landholders are elected they may fall into the hands of wire-pullers. He suggests therefore that the electorate should nominate several landholders, leaving the Government to select the member from among them. Mr. Luson, Commissioner, Chittagong Division, points out that payment of land revenue is not so good a criterion as the cess valuation, and on this latter basis suggests an annual value of Rs. 25,000 as the basis of the franchise. Mr. Arbuthnot, Commissioner of the Surma Valley and Hill districts, considers that the landholding member should be elected by the landholding members of the Provincial Council from their own class. In Assam an electorate based on the payment of Rs. 10,000 a year in land revenue would include only the representatives of the larger Tea Companies. The Deputy Commissioner, Sylhet, takes the same view and points out that in Sylhet the Rs. 5,000 limit would give an electorate of only five proprietors, some of whom are minors. The District Boards of Mymensingh and Backerganj consider Rs. 10,000 land revenue too high a qualification. Four members of the District Board of Dinajpur propose that the landholding members should be partly elected by the Provincial Councils and partly nominated, and that their number should be increased. The Chairman of the Dacca Municipality thinks that the landholding electorate should not be less than 150, and that the qualification should be an income of Rs. 50,000 as indicated by the cess papers. Maulvi Mahibuddin and five other Municipal Commissioners of Dacca say that if land revenue is to be the basis, the amount should not exceed Rs. 500 in the permanently-settled areas, but would prefer a qualification by income as shown by the cess valuation. If a satisfactory landholding electorate cannot be formed on these lines the landholding members of the Provincial Council should elect from among their own number or from landholders qualified by income or payment of land revenue. This latter view is that taken by three other Municipal Commissioners. The Chairman of the Chittagong Municipality thinks that the landowning members should be nominated. Mr. Marindin, second member of the Board of Revenue, suggests that the landowning representative should preferably be nominated or elected by the landholding members of the Provincial Council either from among their own number or outside. He observes that it is difficult "to define what a landholding member means, as a member may own landed property, but belong in reality to the commercial money-lending or professional classes and his sympathies and interests may not be identical with those of the landed aristocracy." Nawab Salimullah Bahadur would reduce the amount of land revenue conferring the franchise to Rs. 5,000, or, if this cannot be done, would make special provision for Bengal and Eastern Bengal and Assam, where the land revenue is far lower than in other parts of India for similar incomes. Maharaja Grijia Nath Roy Bahadur of Dinajpur says that the landed classes would make the best members of the Council, but the number of seats open to them is too small. He suggests that the landholding representatives should be partly elected by the Provincial Council and partly appointed by nomination. The Hon'ble Raja Sita Nath Roy considers Rs. 10,000 land revenue too high a qualification, and quotes instances showing that it is an inadequate test of income. He suggests that the payment of Rs. 2,000 revenue and cesses, or an income of Rs. 25,000 from landed property, or income-tax on Rs. 25,000 should entitle a person to vote or to be a member. Syed Nawab Ali Choudhary says that if the minimum land revenue giving the right to vote is fixed at Rs. 10,000, aristocratic and respectable families will be supplanted by a more recent class, most of whom belong to the legal profession and trade. He suggests, therefore, that the landowning member should be nominated, or, if this is thought contrary to the spirit of the reforms, that he should in alternate sessions be elected by the landholding members of the Provincial Council or nominated by Government. The Hon'ble Mr. Cathcart observes that the qualification for the landholding electorate should be reduced to Rs. 5,000 land revenue, but that a provincial electorate would be impossible to work and would be controlled by wire-pullers. Mr. LeMesurier, Commissioner of Dacca, sees no difficulty in forming a landholders' electorate, but

remarks that the qualification will vary from province to province and must be fixed for each "so as to admit approximately the number of persons whom the Government of India may allot to the province as voters having regard to its relative importance among the provinces of India." Mr. Hughes-Buller, Magistrate of Backergunj, thinks that there would be great difficulty in forming a landholders' electorate for the entire province, and quotes figures to show that in Backergunj only 12 Hindus and 2 Muhammadans pay Rs. 10,000 land revenue, and that of the Hindus two are women. Mr. Clarke, Magistrate of Mymensingh, thinks that the landowning member should be elected by landholders paying Rs. 10,000 land revenue, and that nomination would probably be desirable in some cases. The Bar Library, Sylhet, suggest that the number of landowning representatives should be reduced from 7 to 2 to be selected in rotation from different provinces. Eastern Bengal and Assam précis, p. 23.

55. In regard to the method of recruitment of a member to represent the landed classes, Punjab opinion is divided between nomination and election. In many cases no opinion is recorded or is recorded so vaguely as to be unintelligible, but on the whole the views expressed may be analysed as follows :—

Class consulted.	NUMBER FOR	
	Nomination.	Election.
European officers	26	9
Native officials	13	5
Hindu non-officials (lawyers excluded)	8	20
Muhammadan non-officials (lawyers excluded)	12	7
Lawyers	12	7
Anjumans, Sabhas and Societies	4	14
European non-officials	1	1
Total	76	63

It is possible that the majority in favour of nomination might have been larger had not the Government of India proposal been presented as primarily one for election. The European officers who favour election are Messrs. Agnew, Bosworth-Smith, Sykes, Wakefield, Maynard, Boyd and deMontmorency, Major Thompson and Captain Elliott. A reference to their opinions suggests the inference that they too readily assumed that the question was not one as between nomination and election, but as between different methods of election. The same may probably be said of the opinions of many of the native critics who have advocated election. The main objection to election is, Mr. Douie observes that "no satisfactory electorate could be formed. If payment of a large amount of land revenue is the qualification, I fear the list of electors will include persons who in no sense belong to the aristocracy or represent the old landowning classes". An analysis of the proposals of those who vote for election indicates preference for the various methods as follows :—

	No. of opinions.
(1) A constituency based on the amount of revenue paid	30
(2) Landholding members of the Provincial Council (as suggested by Government of India)	19
(3) Various forms of electoral colleges	7
(4) Other methods	7
Total	63

Those who are in favour of the first of the foregoing methods differ as to the amount of revenue which should qualify for the franchise, the sums suggested varying from Rs. 1,000 to Rs. 5,000. The majority are in favour of the larger figure. It is needless to discuss the suggestions for electoral colleges and other methods of election as the weight of opinion in the province is in favour of the landowning member being nominated by the Lieutenant-Governor. This solution has the further advantage that it will facilitate the redressing of inequalities as between Hindus, Sikhs and Muhammadans.

56. The Central Provinces non-official opinions do not appear to support the Chief Commissioner's proposals. The Anjuman Islamia of Jubbulpore propose a mixed electorate of 150 based on an annual income of Rs. 5,000; and the Anjuman of Nagpur make a similar suggestion. Mr Mudholkar recommends that two members should be elected by landowners holding assessed land paying Rs. 20,000 as land revenue in zamindari tracts, Rs. 3,000 in ryotwari tracts, or rent-free land yielding an annual income of Rs. 20,000. The official opinions are in favour either of nomination or of an electorate based partly upon a money qualification and partly upon the district Darbari lists.

57. In dealing with these various proposals I think we should endeavour to accept the views of the local Government where there are no weighty reasons for rejecting them on grounds of principle. The subject is one peculiarly within their knowledge; they have presumably considered all the opinions sent up; the tenure of land and the status, intelligence and educational advancement of the landowning classes differ widely from province to province; and the formation of a uniform electorate is plainly impracticable. Now Madras, Bengal and the United Provinces put forward schemes for a provincial electorate which are described in the précis and, more briefly, in paragraph 41 above. In paragraph 15 of our letter of 24th August 1907 we expressed some doubts, on the grounds there stated, whether an electorate of landowners could be formed for so large an area as an entire province. Evidently these three local Governments do not share our doubts. Their view of the matter is borne out by the fact that from 1894, when Lord Lansdowne permitted certain classes of graduates of the Calcutta University to elect two fellows a year, to 1900 when Lord Curzon suspended the privilege in order to reduce the number of fellows a large electorate, numbering 2,000 in 1904, and scattered all over India, carried on the elections without any hitch by means of voting papers. In the case of voters who were not able to appear before the Registrar in Calcutta, the papers were filled up before a Magistrate, Judge, Sub-Judge or Munsif who countersigned them after satisfying himself of the identity of the voter by inspecting his diploma or otherwise. Chapter XIII of the present regulations contains provisions for the election of fellows by registered graduates on similar lines. If a large and very widely scattered electorate of graduates can be worked, I think it is a reasonable inference that a smaller electorate of landholders, confined to a single province and with managers and amla to assist them, will not prove unmanageable, especially if, as is the general experience, the various landholders' associations lay themselves out to organise the voting.

58. Having disposed of this initial difficulty, I turn to the particular proposals. The Madras scheme is well considered and supported by figures, and may I think be accepted as it stands. Bengal gives us no statistics, but at the present stage we need not demur to the provisional qualification of annual value of half a lakh. The United Provinces plan for Agra is fully worked out, and we may agree to it. In all of them there will be further details to settle, but the principle is clear.

59. Bombay say nothing about the Imperial Legislative Council, and it is difficult to gather from their proposals for their own Council whether they contemplate the election of a landowning member to the Imperial Council or whether they intend to have recourse to nomination. The United Provinces proposes that the Oudh member should be elected by the British Indian Association. Eastern Bengal and Assam would make use of their landholders' association. These proposals raise the large and difficult question of the expediency of recognising election by associations. At first sight the method commends itself by its simplicity. The Government would either confer the

right of election on an existing association, or it would say to a particular class or interest : "if you will form a representative association we will allow your association to elect a member." An infinite amount of trouble would thereby be avoided. The system, moreover, has precedent in its favour. It was spoken of with approval in the Parliamentary debates on the Act of 1892 and in one form or another it figures in all of the existing regulations. Nevertheless there are certain possibilities connected with it which may give rise to complications hereafter, especially if the system is extended, and the electioneering spirit is at the same time stimulated by the expansion of the Councils, the extension of their powers, and the development of the principle of class representation. Stated as briefly as possible, the objections that occur to me are the following :—

- (1) If the system is developed, on the lines indicated by Bombay and Eastern Bengal and Assam, as the standard means of giving representation to classes or interests, such as landholders, Muhammadans, Indian merchants, etc., which are scattered over large area, and not localised in a district or town, is it not probable that rival associations may claim recognition for electoral purposes and that it may be difficult to decide between them? Even now there are in Calcutta two leading Muhammadan associations representing different degrees of religious orthodoxy, and two Indian Chambers of Commerce, one Bengali and one Marwari. It is most unlikely that these rival bodies would amalgamate, and even if they did, the opposing factions would continue and each would intrigue to get control of the combined association.
- (2) In theory, at any rate, the recognition of an association as an electoral agency ought to involve some sort of investigation into the conditions of membership, etc., and periodical enquiry as to the maintenance of the original constitution on the strength of which recognition was granted. An association may be captured by a small ring of professional politicians; its original character may be transformed by changing the terms of membership or by manipulating admissions; or again the whole organization may exist, as Umar Hayat Khan remarks "more on paper than in practice." In this connexion his opinion and that of the Honourable Ibrahim Rahimtoola deserve consideration. Mr. Carlyle thinks that associations as such are particularly liable to fall into the hands of cliques of pleaders at their headquarters, and tells me that this has actually happened in the case of the Behar Landholders' Association, which is run by a group of pleaders at Muzaffarpur. A scattered electorate may have its disadvantages, but it is less exposed to this particular danger. Punjab précis, p. 50.
Bombay précis, p. 28.
- (3) Again, supposing that two parties are formed within an association, that the election is disputed, and that each party charges the other with fraud, how is the Government going to settle the question? I have had to deal with disputed elections in Bengal, one to the Legislative Council and others to municipalities, and they were difficult enough, though the electorates were statutory bodies and the voting took place under official supervision. It would be hopeless to attempt to investigate the proceedings of a fluid body like an association. The contingency of a disputed election would have to be provided for in advance by laying down that, in case of dispute as to who had been elected, Government should have power to declare the election void and to nominate a member. But that is not a satisfactory solution.
- (4) Lastly, if associations are freely admitted as electing agencies, it seems not improbable that the Congress may claim recognition. They would point to their district committees and provincial conferences as establishing their representative character; they would appeal to Lord Ripon's speech on 6th March 1890, and to his action in inviting the British Indian Association to nominate a member to represent the landholders on his Council in the debates

on the Bengal Tenancy Act; and they would argue that no other body so fully expresses what Mr. Gladstone referred to as "the most upright sentiment and the most enlightened thought of the people of India." If the principle of representation by associations is admitted, it is difficult to see how we can stop short of applying it to the Congress.

60. There is, however, no denying that the position is in some respects an awkward one. If we recognise associations, we run the risks indicated above. On the other hand, if we now refuse to recognise them, we shall land ourselves in a fresh set of difficulties. In the first place, we must reject the Bombay view of the question, and call upon them to form scattered electorates for their landowning and Muhammadan representatives on the Imperial Council, or else to fall back upon nomination. Secondly we must overrule the United Provinces as to the British Indian Association of Oudh, and Eastern Bengal and Assam as to their landholding and Muhammadan associations. Thirdly, we must apply the same principle to the corresponding portions of the elective machinery of the Provincial Councils. Fourthly—and this is the most serious difficulty of all—either we must withdraw the right of election from the European Chambers of Commerce and (in the case of the Provincial Councils) from the Trades Associations, or we must be prepared to justify our action in allowing them to retain a privilege which will not be given to Indian associations and will, indeed, in the case of the Provincial Councils, be taken away from some bodies which have had it for the last 15 years. The justification would, I imagine, take the form of saying that the object in view is to get European commerce represented; that the merchants wish to be represented through their Chambers of Commerce which are the most convenient machinery available; and that the arrangement in no way affects Indian interests for which more advanced and complete methods of representation are provided. Whether these arguments will convince those who may wish to make political capital out of what they will describe as an invidious distinction between European and Indian associations, is a question on which I find it difficult to offer a confident opinion.

61. That no doubt is the easiest solution. On the other hand, it may be said that the choice lies between two alternatives and that no compromise is possible. Either we must continue the present practice of giving seats to associations and be prepared to extend it from time to time; or we must put every one on the same level and recognise no associations at all, whether European or Indian. If the latter course is adopted, European commercial electorates must be formed on the basis of income-tax or license-tax payments, registration being so arranged as to entail no disclosure of the income returned. They will no doubt organise their voting through their Chambers of Commerce; the change will make little difference to them; and the reasons for it can readily be explained. It may be urged in favour of this view that there is no precedent outside of India for conferring upon voluntary associations the privilege of electing members of legislative bodies "in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the association"—rules which in the nature of the case may be altered from time to time without reference to the legislature. If European standards are applied, an electorate of this type is little short of fantastic. It is true that it has been working in India since 1893, and has worked fairly well. But that does not justify us in concluding that it admits of indefinite extension, and the discussions of 1893 make it clear that associations, like district boards and municipalities, were recognised as electoral agencies mainly because the Government had to devise some approach to representation in a great hurry and found no other machinery ready to hand. We are now attempting to build on larger lines and we ought to make sure of our foundations. If we are to be perfectly logical and consistent I see no escape from the conclusion that wherever in these schemes it is proposed to recognise associations, whether for commercial representatives, landholders or Muhammadans, the proposal should be rejected and a determinate constituency based upon land revenue, annual value, or income-tax substituted. We should then, at least, know where we are, and it would be for each constituency thus created to organise its own voting power by means of its own associations. But in matters political logic is not an infallible guide, nor is consistency much more than a doubtful virtue.

62. Putting the case of the Chambers of Commerce and Trades Association aside to be dealt with in the light of expediency and convenience, and assuming that Indian Associations of landholders are not to be recognised as electoral bodies, the following conclusions are for consideration :—

- (1) That the Madras electorate should be accepted.
- (2) That Bombay should be asked to form an electorate or to justify nomination.
- (3) That the Bengal electorate should be accepted, subject to statistical verification.
- (4) That the United Provinces electorate for Agra should be accepted, and the local Government asked to propose an electorate for Oudh.
- (5) That the Punjab decision in favour of nomination should be agreed to.
- (6) That Eastern Bengal and Assam should be asked to form an electorate.
- (7) That the Chief Commissioner of the Central Provinces should be asked to reconsider his proposal for election by Darbaris combined with nomination, and to explain more fully why an electorate cannot be formed.

63. The proposals of the Government of India regarding the representation of Muhammadans are contained in paragraphs 18 to 19 of the letter of 24th August 1907. In connection with this Madras propose in their letter of 22nd May an electorate comprising—

REPRESENTATION OF MUHAMMADANS

Muhammadan non-official member of Provincial Council	...	1
Muhammadan Fellows of the University	...	8
Muhammadans deriving an income of Rs. 3,000 from land	...	52
Muhammadans paying income-tax on Rs. 10,000	...	110
		<hr/>
Total	...	171

In paragraph 13 of their letter of the 26th March Bombay observe:—"The question of creating a separate electorate for Muhammadans or other large communities, which is raised in paragraphs 16 to 19 of the letter of the Government of India has been fully considered by the Governor in Council. The Muhammadans are widely scattered over the presidency and are at present unorganised for the purpose of common action. It is, therefore, impossible to suggest any satisfactory scheme for the creation of a special electorate. In process of time, the Muhammadans and other communities may become politically consolidated and it might then be possible to secure representatives nominated by central associations. In present circumstances the Governor in Council is strongly of opinion, that the proportionate representation of Muhammadans both on the Advisory and on the Legislative Council can be attained only by careful nomination." The wording of this passage hardly suggests that it was intended to apply to the Imperial Legislative Council, but, if Muhammadans can only be represented on the Provincial Council by means of nomination, it is obvious that no system of election can be applied to the Imperial Council. We may take it, therefore, that in the opinion of the local Government the Muhammadan representative of Bombay on the Imperial Legislative Council must be nominated.

64. The Government of Bengal favours the election of Muhammadans and proposes an electorate constituted as follows :—

(a) Persons having an income of Rs. 15,000 as shown by the road-cess or income-tax returns.

(b) Graduates of any University, whether Indian or European, of five years' standing.

It is suggested as an alternative that the educational qualification should be confined either to Masters or Doctors or to Muhammadan Fellows of the University.

(c) Holders of recognised titles.

The United Provinces suggests an electorate comprising—

- (a) Persons paying Rs. 10,000 a year land revenue or income-tax—number 160.
- (b) Muhammadan members of the Provincial Legislative Council.
- (c) Muhammadan Fellows of the Allahabad University—number about 20.
- (d) Trustees of the Aligarh College, not otherwise qualified, who are residents in the United Provinces.

It is proposed that voting should be by post in the manner suggested in the case of landholders. The Lieutenant-Governor also observes that the two seats reserved for nomination under head E should be distributed among provinces not represented by election under head D (d).

65. The Punjab view is that the Muhammadan representative equally with the landowning member, must be nominated by the Lieutenant-Governor.

66. Eastern Bengal and Assam suggests that, in the first instance, the Muhammadan representative should be elected by the Provincial Muhammadan Association. The Chief Commissioner of the Central Provinces says that the creation of a special electorate for the whole of a province would be a matter of much difficulty. He thinks that the chief representative associations of Muhammadans might be invited to select candidates from among whom the Viceroy would nominate on the advice of the local Governments concerned.

67. All local Governments appear to accept without comment the proposal that not less than two Muhammadans should be nominated under head E.

Madras
P. 35.

préc's,

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P. 39.

P. 40.

P. 48.

P. 34.

68. The reports of the local Governments make no attempt to summarise the opinions which have been collected by them and consequently convey no idea of the reception accorded to the Government of India's proposals as regards the representation of Muhammadans. These are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated classes. In Madras Mr. Krishnan Nayar, member of the Legislative Council, considers the principle of religious representation unsound, and observes that in any case four seats is too many for Muhammadans, who may be elected by Eastern Bengal and the Punjab, and that the qualifications suggested for Muhammadan voters (land revenue, income-tax, and University degrees) should be extended to all voters. Mr. Srinivasa Rao, member of the Madras Council, demurs to the proposed Muhammadan electorate on the grounds that it introduces representation on the basis of religion; that the Muhammadans are not homogeneous and are divided into about 73 sects; that interests go by occupation and not by religion; and that if religious representation is recognised in the case of Legislative Councils it cannot be excluded from local boards and municipal councils. For these reasons he would restrict the Muhammadans to three nominated members. The District People's Association, Madura, consider the election of two members by Muhammadans unworkable, as electorates would be difficult to form, and inexpedient as emphasising race prejudices. The Chairman, Municipal Council, Parlakimedi, objects to the reservation of two nominated seats for Muhammadans, who have two elected seats allotted to them, and may also be elected by the Provincial Councils. Mr. Nayudu of North Arcot observes that representation is given to Muhammadans out of proportion to their numbers and that while votes are assigned to Muhammadan payers of income-tax and registered Muhammadan graduates this privilege has not been extended to other classes. Several Hindus propose to give Muhammadans only two or three seats and others suggest that they should be nominated. On the other hand, some Hindus take the same line as the Madras Mahajana Sabha who, after advocating territorial representation and contending that there is no reason for constituting the councils on a sectarian basis, go on to say—“Seeing however that the Muhammadan subjects of His Majesty are anxious that they should have special representatives of their own, it is not proposed to raise any objection to such special representatives being nominated or elected to the Council.” So also the South Indian Landholders' and Traders'

Association think that there should be separate class representation for Muhammadans, Christians and others, because "in this Presidency at least one class and one profession have had hitherto the virtual monopoly of the non-official loaves and fishes of the Government." The Muhammadans themselves are not altogether satisfied with the Government of India's proposals. Muhammad Reza Khan, a member of the Legislative Council, says that the property qualification suggested is too high and must be reduced as the Muhammadan community is comparatively poor and backward. Muhammad S'Chamnad Sahib thinks four Muhammadan seats insufficient. Ammu Sahib would raise the number of Muhammadans to six, to be elected in all provinces by an electorate as in paragraph 18 of the Government of India's letter, both officials and non-officials being eligible to vote or to be elected, as almost all the best educated Muhammadans are officials. Ghulam Muhammad Ali Sahib, Prince of Arcot, would add one more Muhammadan member and adopt an electorate as in paragraph 17 of our letter. Ghulam Muhammad asks for a Muhammadan representative from each province and an electorate composed of registered graduates and recognised associations. Muhammad Husain would reserve six seats, three elected and three nominated, for Muhammadans, and thinks that the members should be selected from among the Muhammadan members of the Provincial Councils. Muhammad Assaudin Ahmed would assign eight seats, four nominated and four elected to Muhammadans. The general tendency of official opinion is to doubt whether a Muhammadan electorate could be worked, and to suggest that their claims should be met by nomination.

Madras précis,
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69. Hindu opinion in Bombay is strongly opposed to the idea of a Muhammadan electorate. The Hon'ble Mr Thackersey remarks that separate representation for Muhammadans is wrong in principle, and cannot be applied in a country where sects and sub-sects are so numerous without giving rise to heart-burning and irritation; that if Muhammadans are separately represented they should neither vote nor stand as candidates under the general franchise; that the franchise should be uniform and should not include different qualifications for Hindus and Muhammadans; and that the Viceroy should not be bound down to appoint two Muhammadans if a sufficient number have entered the Council in other ways. A public meeting at Ahmednagar condemn the principle of election by caste, class, or creed. The Ahmednagar Municipality would allow Muhammadans to elect, but would give them only two out of 25 elected members. The Bombay Presidency Association object strongly to the creation of a special Muhammadan electorate, but make provision in their scheme of a Council for the election of two members by the Muhammadan community. The Muhammadans, on the other hand, express themselves as dissatisfied with the Government of India's proposals. The Anjuman-i-Islam, Bombay, and Mr. Kazi Kabiruddin claim at least six seats for Muhammadans, and the former body suggest as an alternative that the two seats reserved for nomination of Muhammadans should be distributed among the seven provinces by rotation. His Highness the Aga Khan is "painfully shocked to learn that Government suggests nominating two out of four Muhammadan representatives." He observes that Muhammadans nominated by Government cannot be representative, and even if they were, could not carry the weight of elected members; that an electorate might be easily formed; and that all the four seats allotted in the scheme should be made over for election. Mr. Ibrahim Rahimtoolah makes the same proposal, and adds that if no Muhammadans are elected by the non-official members of the Provincial Councils the Viceroy should appoint one or two by nomination. The Commissioners of Divisions, the only official opinion sent up by Bombay, are impressed with the difficulty of forming a Muhammadan electorate, and think that the Muhammadan member should be elected by all the non-official members of the Provincial Council.

Bombay précis, p. 13.

P. 15.

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70. In Bengal the British Indian Association object to the reservation of four seats for Muhammadans on the grounds that members of other religions may claim separate representation; that class distinctions in legislative matters have been unknown since the establishment of British rule; that exclusive electorates "tend to break the growing solidarity of the various races in India"; and that the Muhammadans constitute only about 21 per cent. of the whole population of

Bengal précis, p. 8.

India, the bulk belonging to Eastern Bengal, the Punjab and the Frontier Province. For these reasons they reconsider that the special Muhammadan seats should be omitted to make room for representatives of the Universities. Raja Peary Mohan Mukherji, the Bengal National Chamber of Commerce, and the Bhagalpur Landholders' Association take much the same view, the last named body recommend that the claims of Muhammadans may be met by nomination. Nawab Abdul Rahman doubts whether a special Muhammadan electorate can be worked in Bengal and Eastern Bengal, and proposes that the Muhammadan seats should be filled by nomination until Muhammadans are sufficiently advanced educationally to appreciate the advantages of the franchise. The Central National Muhammadan Association suggest that the electorate for Muhammadans in paragraph 18 (a) of the Government of India's letter should consist of both past and present non-official members of the Provincial Council. Both the Nawab and the association appear to accept the number of seats allotted as adequate.

Bengal préc s, pp. 6-7.

P. 6.

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United Provinces préc s p. 10.

P. 11.

P. 12.

P. 9.

P. 11.

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71. In the United Provinces the Maharaja of Benares thinks that the words "not less than two to be Muhammadans" should be expunged from head E. He regards the four places reserved for Muhammadans as "rather too little," but observes that Muhammadans may be returned under heads D (b) and D (c), and that if necessary the Viceroy might nominate all four. He disapproves of an all India electorate, suggests a provincial electorate which might elect in rotation, and adds that the Viceroy's nominees might be as many as four, to be chosen from the provinces which are not electing a member. He would thus apparently give the Muhammadans six members, two elected and four nominated. The Hon'ble Rai Nihal Chand of Meerut describes the reservation of seats for Muhammadans as 'a departure from the old neutral policy of the British Government' which will produce great heart-burning amongst Sikhs, Parsis and others. His view is that the electorates should be composed of all classes and creeds, and he thinks that if seats are to be reserved for classes and religions, the reservation should be based on the proportion of each religion or class to the population. The Hon'ble Rai Sunder Lal, of Allahabad, does not object to four seats or even more being assigned to the Muhammadans, but demurs to the reservation of four seats in addition to any which they may obtain otherwise; to election by their own co-religionists; and to the large electorate described in paragraph 17 of the Government of India's letter. The Hon'ble Mr. Madho Lal considers religious representation "foredoomed to failure" and makes no provision for the special representation of Muhammadans in his scheme of a Legislative Council. Raja Rampal Singh of Rai Bareilly considers the Government of India's proposal likely to cause "bad blood between the Hindus and the Muhammadans who have been living as brothers for centuries, and the Government will be blamed for that." The Trustees of the Muhammadan College, Aligarh, suggest that each of the eight provinces should have at least one elected Muhammadan representative, and that, in addition to these, they themselves should be allowed to return one member on their own account. Sir Faiyaz Ali Khan also asks for eight Muhammadan members to be elected, one in each province, by an electorate composed of the Muhammadan members of municipal and district boards, fellows and five-year graduates of the university, and Muhammadans paying more than Rs. 3,000 land revenue or income-tax or over Rs. 3,000. The Raja of Mahmudabad appears to be satisfied with the number of members assigned, and merely makes suggestions as to the composition of the electorate. The officials consulted see no difficulty in managing a special Muhammadan electorate.

72 The Government of India's proposal that two members should be elected by special Muhammadan electorates has excited much controversy in the Punjab. It is resented by the great majority of the Hindu critics, but with the exception of Chaudhari Sardar Khan, Extra-Assistant Commissioner, all the Muhammadans are in favour of the measure as securing their minority rights. Eighteen Hindus allow the proposal to pass without objection, but many of them stipulate that some corresponding provision be made for Sikhs, and urge that it is not necessary specifically to reserve nominated seats for Muhammadans under E. The bitterest opponents of any concession to Muhammadans are the Hindu lawyer class headed by Mr. Justice Chatterji, whose opinion may be taken as representative and covers all the points taken. The majority of the European officials

are opposed to the election of two members by Muhammadans. They are not opposed to the protection of the minority rights of Muhammadans. Their objection is to conferring a right of election on Muhammadans which would not be enjoyed by members of other communities. The only European officers who support the Government of India's proposal under D (d) are Messrs. Maynard, Waring, Clarke, deMontmorency, Bosworth-Smith, Malan, Henriques, Wakefield, Gibson, Irving and Boughey and Majors Egerton and Barton. It will be noticed that the names of most of the senior and more experienced officers are absent from the above list. By the latter the proposal is condemned—

- (1) on account of objections to election as such ;
- (2) on account of the difficulty of forming an electorate ;
- (3) because the rights of Muhammadans can be safeguarded by nomination ;
- (4) because class legislation in general is invidious ;
- (5) in particular because Hindus and Sikhs would justly resent electoral privileges being conferred on Muhammadan Fellows and Graduates, Muhammadan payers of income-tax and land revenue, and Muhammadan members of the Provincial Council, which would not be enjoyed by Hindus and Sikhs of the corresponding classes.

There is little in the Muhammadan opinions to support the view that nomination would be accepted by them in lieu of election even if their requirements in the matter of the number of seats to be reserved for their community were met. Only five or six voices are raised in favour of nomination, but these include M. Rahim Bakhsh, President of the Bahawalpur Council, the Patiala Khalifa Makh-dum Hasan Bakhsh and Malik Umar Hayat Khan. The proposal for election was included in the Government of India's scheme at the instance of the Muhammadan deputation which waited on His Excellency in October 1906. It has the advocacy of the Muslim league and the various Anjumans as well as of the *Observer* newspaper, and Muhammadan opinion is therefore more or less committed to its support. They probably also feel that the possession of exclusive electoral privileges would be a distinct triumph over their Hindu rivals. Stress is laid in the Punjab opinions on the objection to a Muhammadan electorate which arises from the claims of the Sikhs. Many Sikh gentlemen and European officers urge that there is no good reason, in the case of the Punjab at least, for refusing to the Sikhs a recognition accorded to the Muhammadans. If elective privileges are conferred on Muhammadans why not on Sikhs also? To do so would, however, further intensify the dissatisfaction of the Hindus at being excluded from elective privileges. It is argued therefore that only by nomination can the rights of both Muhammadan and Sikh minorities be secured without giving rise to the charge of class preference.

73. Among the Hindu opinions sent up by Eastern Bengal and Assam several protest on general grounds against the reservation of a certain number of seats for Muhammadans as being likely to create dissension and prevent the fusion of class interests. A moderate view is taken by the Bar Library, Sylhet, who observe that it would "perhaps be unwise to disregard the fact that the great bulk of educated Muhammadan opinion in India is in favour of separate representation," but that, if this is given to them, there should be special seats for Hindus as well, and in every province the franchise for Hindus and Muhammadans should be alike. "It is necessary to point out in this connexion that the scheme of direct representation suggested for the Imperial Council violates this principle. Muhammadan landholders of moderate income will exercise the privilege of directly electing a member to the Imperial Council, while a Hindu possessing the same or higher qualification will find no such opportunity to exercise that right." Among Muhammadans the Provincial Muhammadan Association approve of the Government of India's scheme, and suggest that the income qualification for Muhammadan electors should be reduced to Rs. 5,000. A similar suggestion is made by the Chairman of the Dacca Municipality by six Municipal Commissioners of Dacca and by Nawab Salimollah. Mr. Abdul Majid, District and Sessions Judge of Rajshahi, approves of the electorate suggested in paragraph 18 of the Government of India's letter, but would substitute graduates of ten years' standing for

E. B. and Assam
précis, p. 24.

P. 18.
P. 19.
P. 16.

Eastern Bengal
and Assam précis,
p. 21.

,24.

P. 16, p. 20.

P. 22, p. 23.
P. 18.

Muhammadan Fellows of the University. The Nawab of Tipperah and Nawab Ali Chowdhry ask for six Muhammadan seats and Maulvi Himayat-ud-din Ahmed claims seven so as to give each province a representative. The official opinions are mainly occupied with the question whether a Muhammadan electorate can be formed. Mr. Brown, Judge of the Assam Valley Districts, thinks that the election of Muhammadans had better be left to associations, or to nomination until such associations have been formed. Mr. Luson, Mr. Strong, Mr. Arbuthnot and the Deputy Commissioner of Sylhet favour election by the Muhammadan members of the Provincial Councils. Mr. Gruning thinks that Muhammadans of position should be nominated as they will not come forward if they have to canvass for votes. Mr. Henniker, Mr. Marindin, Mr. Hughes-Buller and Mr. Donald also prefer nomination. On the other hand, Mr. LeMesurier, Mr. Clarke, Mr. Allen, Mr. Halliday, Colonel Woods and the Deputy Commissioner of Kachar see no difficulty in forming a special electorate.

74. In the Central Provinces Mr. Mudholkar (para. 29 of his opinion) demurs on principle to the differential treatment of Muhammadans and endeavours to show that they have received sufficient representation under the existing system and that the concessions which they ask for will do them more harm than good. He concludes, however, that since "Government have thought it desirable to grant (for evidently political reasons) special concessions and privileges to the community, the Hindus do not wish to oppose it, so long as this privileged special treatment does not deprive the other communities of their just rights and influence." In the scheme propounded in paragraph 33 of his letter he gives the Muhammadans two seats by special election and says that to give more would be unfair as in the Punjab and Eastern Bengal and Assam, where they form a majority of the population, they can "safely count upon getting at least four out of the six assignable to these two provinces. There is great probability of their getting at least two more." Mr. Robertson would give the Muhammadans one elected and one nominated seat in the Council of 40 which he proposes. Mr. Mahdi Hasan, quoted by Mr. Phillips, thinks the two elected seats proposed by the Government of India inadequate, both to the numerical strength and to the political importance of Muhammadans, and suggests the addition of 4 Muhammadan seats, two under head D (c) for Sind and the North-West Frontier Province where Muhammadans would certainly be elected, and two under head D (d) for Muhammadans as such. This would give them six elected seats in all. Sir Bipin Bose and Mr. Chitnavis are described in paragraph 8 of Mr. Napier's letter as objecting to the reservation of two nominated seats for Muhammadans on the ground that they will be sufficiently represented by election.

75. In considering what recommendations should be made to the Secretary of State the following questions have to be dealt with.

76. *The question of recognising associations for the purpose of electing members.*—If the view taken on this subject above is accepted, it follows that the Eastern Bengal and Assam proposal to call upon the local Muhammadan Association to elect a member when the turn of the province comes round must be set aside and the local Government instructed to form an electorate. The basis of the electorate would be mainly a question for them, but we might give them a lead or at any rate let them know what other Governments have proposed. The Central Provinces' suggestion must also be rejected for the same reasons.

77. *To what extent is nomination to be admitted?*—Muhammadan opinion generally is adverse to nomination, which seems to be regarded as an inferior method of representation. The All-India Muslim League consider it undesirable that one province should be represented by an elected member and another by a nominated member. The Aga Khan protests strongly against nomination and Mr. Ibrahim Rahimtoolah takes the same view. On the other hand Malik Umar Haiyat Khan strongly advises that in the Punjab the two Muhammadans should be nominated and not elected. I think the decision should as far as possible be left to local Governments. If a particular Government says that it cannot form an electorate and must fall back upon nomination, I do not see how we can overrule it on general political grounds, or for the sake of uniformity.

Bombay
p. 17.
Punjab
p. 50.

précis,

précis,

78. *The composition of the electorates.*—Here again I would give local Governments a free hand unless their proposals are plainly open to objection. The Madras and United Provinces electorates strike me as well devised. In the Bengal scheme there are some doubtful features—

- (a) The proposal to allow Muhammadan graduates as such to elect direct to the Imperial Council has been a good deal attacked on the ground that a similar privilege is not given to Hindus. The objection is by no means conclusive, but it would be as well to present as few vulnerable points as possible. There are 427 Muhammadan B. A.'s in Bengal.
- (b) As to the alternative suggested, Muhammadan Fellows are suitable electors, but in the Calcutta University, there are only six of them. Muhammadan M. A.'s number 69. No Muhammadans have taken the Doctor's degree.
- (c) I also have misgivings about conferring votes on Muhammadan title-holders, numbering in Bengal 53, officials 13 and non-officials 40. They are of course highly respectable and of mature age. But they are necessarily Government nominees and we may be charged with trying to water the electorate. On the other hand, if title-holders are to vote in the United Provinces landholding electorate, a proposal for which Sir John Hewett makes out a good case, why should they not vote in the Bengal Muhammadan electorate? If we admit them, we shall have to settle whether official title-holders are to vote, a point on which Bengal is silent.

79 *The question of the franchise overlapping.*—Exception has been very generally taken to the formation of special Muhammadan electorates, on the ground that Muhammadans will get votes in these electorates in addition to their votes as landholders and as members of Provincial Councils, and that this will give them excessive representation. The argument seems to me merely a make-weight intended to strengthen the general case against a Muhammadan electorate. Hindus will vote as landholders and as members of Provincial Councils, and in both of these categories will greatly outnumber the Muhammadans, even where, as in Eastern Bengal and Assam, the Muhammadans are in a majority in the general population. The creation of a Muhammadan electorate will not do more than give Muhammadans a fair share of representation.

80. *The question of proportionate representation*—Paragraph 16 of the letter of 24th August read with His Excellency's reply to the Muhammadan deputation of October 1906 has been construed as indicating an intention on the part of the Government of India to give Muhammadans more seats than their actual numbers would entitle them to in a scheme worked out on a strictly proportional basis. This has evoked many protests against the undue favour supposed to have been shown to Muhammadans and it is freely asserted that the published scheme gives that community too many seats. Now taking the Census figures for British India given at page 688 of Volume II of the Council papers there are in round numbers 159 millions of Hindus and 54 millions of Muhammadans being 68 per cent and 23 per cent. respectively of the total population. In point of fact this exaggerates the preponderance of the Hindus, for the 159 millions includes a number of low caste people who are only Hindus by courtesy and several million Animists who are not Hindus at all. But putting this aside, and assuming for the sake of argument that there are to be 30 non-official seats, the Muhammadans ought, on a strictly numerical basis and without making any allowance for their political importance, to get 6.9 or say 7 and the Hindus 20. Their complaint that 4 seats is insufficient has more foundation in fact than appears at first sight. And if it is said that they may get 3 more seats under other heads, that line of argument is open to the rejoinder first that the contingency is most improbable, and secondly, that if a certain number of seats is due to them in their character of a one-third minority, they ought at least to have that number absolutely secured, and not to be left to scramble for the balance required to make it up. On the whole, however, I

think it will be sufficient if the Muhammadans are given 4 elective seats in the provinces where they are most numerous, Eastern Bengal and Assam, Bengal, the Punjab, and the United Provinces, the number of nominated seats being so fixed as to make it possible to nominate Muhammadans for Bombay and Madras. Burma and the Central Provinces may be left out of account as the number of Muhammadans in those provinces is insignificant.

81. *The question of religious representation.*—The papers teem with assaults on religious representation as such. But, as a rule, the assault is not pressed home, and some of the people who cry out most loudly against the principle end by protesting that they would not for the world stand in the way of the Muhammadans getting what they want. The British Indian Association of Calcutta is alone in proposing that the seats assigned to the Muhammadans should be handed over bodily to the universities. The fact, of course, is that the Indian Muhammadans are much more than a religious body. They form an absolutely separate community, distinct by marriage, food, and custom, and claiming to belong to a different race from the Hindus. The argument from religion is a mere echo of European catchwords. It has no substance in it, but it has to be answered.

82. The conclusions which I submit for consideration on this branch of the subject are—

- (1) That the number of elective seats assigned to Muhammadans should be raised from two to four, these four being assigned to Eastern Bengal and Assam, Bengal, the Punjab and the United Provinces.
- (2) That the number of nominated seats should be such as to render it possible to appoint 2 more Muhammadans, preferably from Madras and Bombay, if two Muhammadans are not elected by the Provincial Councils or the landholders, so that there may be six Muhammadan members in all.
- (3) That the electorates proposed by Madras and the United Provinces should be accepted.
- (4) That the electorate proposed by Bengal should be considered in the light of the remarks made on it above.
- (5) That Bombay should be asked to reconsider their implied proposal as to nomination and to suggest a Muhammadan electorate.
- (6) That Eastern Bengal and Assam should be asked to reconsider their proposal for election by an association and to frame a Muhammadan electorate.

In the case of the Central Provinces no orders are required. They have only 519,000 Muhammadans and it was not intended to give them a member even by rotation.

**SEATS RE-
SERVED FOR
NOMINATION.**

83. There is not much to be said about the seats reserved for nomination. The claims to be considered are those of—

- (1) The Muhammadans, whose case has been discussed above.
- (2) The Sikhs, for whom the Punjab Government, in paragraph 37 of its letter, puts forward a reasonable claim to one nominated seat, if the community is not represented under head D (c) or D (b) of the Government of India's scheme.
- (3) The planting and manufacturing industries of Northern India, to which Bengal proposes to allot 2 seats, raising the number of nominations for this purpose. The United Provinces on the other hand seems to think that these interests can be adequately represented by the Upper India Chambers of Commerce.
- (4) Indian Commerce as to which the United Provinces observes that it ought to be represented, but can suggest no form of election, and therefore proposes nomination.

(5) The domiciled community, to whom Bengal proposes to assign one nominated seat. The United Provinces, on the other hand, does not admit that the Eurasian community has any claim to separate representation on the Imperial Council.

(6) The Parsis, on behalf of whom Mr. B. Shroff puts forward a claim to special representation, alleging that they are not likely to be elected by the Indian community. No one else mentions the subject, not even the Bombay Presidency Association, of which Sir Pheroze-sha Mehta is Chairman. If Bombay has two members elected by the non-official members of the Provincial Council, as has been proposed above, it seems fairly probable that as often as not one of them will be a Parsi. I see therefore no necessity for reserving a nominated seat for the Parsis. Bombay précis, p. 19.

(7) *The Indian Christians.*—Two missionaries suggest the nomination of an Indian Christian, one of them proposing that this should be obligatory. But the community numbers only 1,904,000 in British India, and its status and influence are hardly such as to justify the reservation of a seat for it. Madras précis, pp. 46-47.

(8) *The Buddhists.*—The Lieutenant-Governor of Burma proposes that one nominated seat should be reserved for a Burmese Buddhist on the ground that the Buddhist community numbers nine millions and the member would also represent the agricultural interests of Burma. I see no objection to provision being made for a Buddhist, but I doubt whether it should be obligatory to appoint one. There may be occasions when no suitable nominee is forthcoming, or the seat may be wanted for some special purpose.

(9) The Central Provinces for the reasons given in para. 46 above.

84. There are so many variable factors that the subject does not lend itself to precise calculation, but I am disposed to take 6 seats as a fair estimate, thus :—

Muhammadans 2 (if required).

Indian Commerce 1 (obligatory).

The Central Provinces 1 (obligatory).

Sikh 1 (if not represented under other heads).

Buddhist 1 (not obligatory).

Here I would suggest that the nominated seats should be shown on a different system from that adopted in our letter of 24th August 1907. I would arrange them thus :—

Additional officials representing Provinces	...	...	8
Nominated members, not less than 6 to be non-officials	...	...	20

This arrangement seems to me to have the following advantages :—

- (1) It does not tie us down to a stated number of officials and, while retaining the power to appoint an official majority, leaves it open to us to obtain a working majority by means of non-officials who can be relied on to vote with Government.
- (2) It gets rid of the special category of experts, who may be either officials or non-officials, and who may usually (but not invariably) be reckoned as supporters of the Government.
- (3) It emphasises the representative character of the eight officials nominated for provinces, and makes it clear that they, at any rate, are not nominated merely for the purpose of making up an official majority.

**PROPOSED
COUNCIL.**

85. Proceeding on the lines worked out in the preceding paragraphs I suggest as a basis for discussion that the Council should be constituted as follows :—

*Madras 2. Bombay 2. Bengal 2. United Provinces 2. Punjab 1. Burma 1. Eastern Bengal and Assam 1.	A.— <i>Ex-officio</i> members	...	...	...	8
	B.—Additional officials representing provinces	...	...	...	8
	C.—Nominated members, not less than 6 to be non-officials, one of whom should represent Indian Commerce and one the Central Provinces	...	...	...	20
	D.—Elected members—				
	(a) By Chambers of Commerce	...	...	...	3
	(b) By Provincial Councils*	...	...	...	11
	(c) By nobles and landowners of all provinces except Burma...				7
	(d) By Muhammadans	...	...	...	4
	Total			...	61
	or, including His Excellency the Viceroy			...	62

If fourteen officials were appointed under head C the Council would consist of 30 officials and 31 non-officials. In the event of these two groups voting solid on a critical division, the Viceroy's ordinary vote would make the numbers equal and his casting vote would be decisive. I have made no attempt to construct a Council based on any of the devices for dispensing with a numerical official majority which are examined in paragraph 34 above.

**TERM OF
OFFICE.**

86. There remains the question of the term of office. It seems to me that this should be raised to three years at least. A general election every two years would be an unmitigated nuisance.

**QUESTION
OF ROTA-
TION.**

87. For the same reason I deprecate the introduction of any system under which a certain number of members would retire after a year or two, fresh elections being held to fill their places. I know of no good precedent for such an arrangement in the case of legislative bodies; it would be very complicated and troublesome to work; and in practice it is certain that a large number of the Council will always be re-elected, so that there will always be some members with experience of legislative business. The analogy of the Universities does not appear to be applicable.

88. The proposals submitted in this note do not necessarily involve any further alteration in the Indian Councils Act, 1892, than the raising of the number of Additional Members in section 1 (1) to such minimum and maximum as may be determined. But it will probably be advisable to recognise election and to abandon the system of so-called nomination which is in fact election, now legalised by section 1 (4).

13th July 1908.

H. H. RISLEY.

It is not necessary for me to note at great length, because I am in general agreement with the proposals contained in Sir Herbert Risley's note. I have merely to make some suggestions that tend towards simplification, and these I have discussed with Sir Herbert Risley, and we are in agreement.

2. The historical review is most interesting, especially the liberal proposals of Lord Dufferin's Committee of 1888.

I will pass at once to the concrete proposals, noting only on those on which I have something additional to say.

3. *Representation of commerce.*—The proposals in paragraph 42 admit of some simplification. The four seats for commerce might be apportioned to—

(1) The capital of India as represented by the Bengal Chamber of Commerce.

(2) Seaboard commerce as represented by the Chambers of Bombay, Rangoon and Madras.

(3) Internal commerce as represented by the Chambers of Upper India and the Punjab.

(4) Indian commerce.

The member for (2) would be determined, if possible, by a joint representation of the three chambers, otherwise by selection by the Viceroy from candidates nominated by each chamber. Similarly with (3). The member for Indian commerce would at first have to be nominated by the Viceroy after such consultation as is indicated in paragraph 42 (3). But we should intimate that this method is provisional, and that we are ready to favourably consider any better device for obtaining a representative that may be put forward in the interests of Indian commerce. When we have once declared that a seat is to be given to Indian commerce, we will be sure to get plenty of advice as to how it is to be filled.

4. In this scheme, however, we give three seats to European commercial interests and only one to Indian. This is hardly fair, and it is certain to give rise to hostile criticism. I would give a second seat to Indian commerce, in order more nearly to equalize matters. I would not increase the council as exhibited on page 38, but would reserve another of the six seats of non-official nominated members under head C for Indian commerce. In the plan for nomination sketched in paragraph 42 (3) it will be easier for the Viceroy to nominate two members than to nominate one. I do not think that five is an excessive number to represent commerce, European and Indian.

5. *Election by Provincial Councils.*—The practice of election by the non-official members of Provincial Councils is universally regarded as a means for providing an electorate for the educated classes, and it is therefore wise to extend it as proposed so as to give eleven seats instead of the present number four. There is no Legislative Council in the Central Provinces, but it is proposed in paragraph 46 to give to the Central Provinces a somewhat analogous seat by nomination by the Chief Commissioner. In the absence of a Legislative Council I think that we might legitimately make some use of the advisory council in this case, and I would say that the representative is to be nominated by the Chief Commissioner in consultation with his advisory council. This is perhaps not much of an advance, but it is something better from an elective point of view than nomination pure and simple, which appears to be the only alternative.

6. *Representation of landholders.*—The question how the landholders are to be represented is a very difficult one, and there is little uniformity in the answers. It could scarcely be otherwise as the circumstances of the various provinces are so different. Madras and Bengal come up with schemes for election proper. The United Provinces has a scheme for election proper in Agra and another for election by an association in Oudh. Bombay supports election through associations as the only feasible way in that Presidency. The Central Provinces thinks that the formation of an electorate is impossible and sets

up a scheme for election by darbaris combined with nomination. Eastern Bengal and Assam proposes election by an association, and the Punjab is in favour of nomination.

7. Among these conflicting opinions it is impossible for the Government of India, with the material available, to make any definite pronouncement. To do so local knowledge, which we do not possess, would be required. We might of course address Bombay, the United Provinces, Eastern Bengal and Assam, and the Central Provinces as suggested in paragraph 62 of Sir Herbert Risley's note, but the result would be a delay for a few months, and probably at the end we would be little wiser. I doubt whether we can even accept the Madras, Bengal and United Provinces (Agra) schemes as final solutions of the difficulty. Personally I do not think that the scheme for an electorate has yet been very carefully examined in any province, nor do I think that it will be properly examined until we have actually given seats to the landholders and interested them in arranging for the exercise of the new powers conferred on them. Then if the landholders take a real interest in the matter, province will compete with province, and schemes for regular electorates will be forced on reluctant local Governments. On the other hand, it is quite possible that in some provinces the landholders themselves may prefer nomination, and, if so, there is not the slightest reason why they should not have it.

8. I think therefore that in addressing the Secretary of State we should content ourselves with describing the various proposals without definitely accepting any of them. We might then discuss generally the three rival methods—

- (a) Election by a regular electorate of landholders.
- (b) Election through the nomination of landholding associations.
- (c) Nomination by Government pure and simple.

We should compare these methods from a general point of view and pronounce which is best. I do not think that it can be questioned that (a) is the best. All doubts that I may have had as to the relative advantages of (a) and (b) have been swept away by a perusal of paragraph 59 of Sir Herbert Risley's note which appears to me to be unanswerable. (a) is better than (b), and (b) is better than (c), because (b) does to some extent recognize the elective principle. The order of merit, in my view, is (a), (b), (c). Therefore I think we should express our opinion that in provinces where election by a regular electorate of landholders is feasible that method should be adopted, that in provinces where this is not feasible an attempt should be made to bring in the elective principle through nomination by landholders' associations, and that nomination pure and simple by Government should be resorted to only where neither of the first two methods is practicable.

In the conflict of opinions we can at present go thus far and no farther. The schemes are mere paper schemes, which are certain to be materially altered when the local Governments cease to theorize and proceed to make out the actual rolls of their electorates.

This part of our programme is not likely to meet with any fresh opposition from the progressive party. They have little interest in the landholding representation. It is to be regretted that we cannot embody in our despatch specific plans for each province, but it is obviously impossible to do so.

9. *Representation of Muhammadans.*—So far as the Imperial Council is concerned we have to deal with electorates in only four provinces—Bengal, Eastern Bengal and Assam, the United Provinces, and the Punjab. We are committed to election where election is possible, and it is pretty clear that nothing else will satisfy Muhammadans. I agree that the Madras and United Provinces schemes are the best that have been put forward. But I think that we will have to deal with this question in the same way as I have proposed to deal with the representation of landholders.

10. *Qualifications of members.*—I doubt whether it is necessary to impose any property qualification. None has been in force hitherto and no inconvenience has arisen. It would be provided that the representatives of landholders must be landholders qualified to vote.

11. *Proposed Council*.—The solitary amendment which I have suggested (*viz.*, the addition of another member for Indian commerce) requires the substitution of “two of whom” for “one of whom” under head C in paragraph 85. The composition of the Council is more fully stated as follows :—

A. <i>Ex-officio</i> members	...	...	...	...	8
B. Additional officials representing provinces	...	...	...	...	8
C. Nominated members—					
(a) Officials, not less than 6 and not more than	...	...	...	...	14
(b) Non-officials	...	...	...	...	3
D. Elected members—					
(a) By Chambers of Commerce	...	...	...	...	3 *
(b) By the Legislative Councils of the large provinces and the Advisory Council of the Central Provinces	...	...	...	...	12 †
(c) By nobles and landowners of all provinces except Burma	...	...	...	...	7
(d) By Muhammadans	...	...	...	...	4
(e) By Indian Commerce	...	...	...	...	2 ‡
Total					61
Or, including His Excellency the Viceroy					62

12. Although 14 nominated officials are allowed under head C so as to guarantee an absolute official majority, it will scarcely ever be necessary to appoint more than the minimum of 6. In a large Council, such as we now propose to form, the Executive Member will require assistance. More especially will this be the case if the proposal to allow general debates, which will be the subject of another note, is adopted. No one can be of so much assistance to the Executive Member as the Secretary. Moreover he is not a touring officer and is always on the spot. The obvious course would therefore be to always appoint the six § secretaries to be members of the Legislative Council. The Government would thus have (including the Viceroy) 23 votes against a possible opposition of 31. Four extra votes on a division with the Viceroy's casting vote would give a majority. Even if the educated native classes were solid against a measure it is scarcely conceivable that if the measure were reasonable we could not depend on getting four votes out of three European merchants, seven nobles and landowners, four Muhammadans, and three non-official nominated members. Such a case as the mandate of 1894 to impose an excise duty upon cotton goods manufactured in India would probably require something more than six nominated officials, but we do not desire to encourage the Secretary of State to give mandates of that kind. In matters like the Seditions Meetings Bill and our recent press legislation we could I think have succeeded in the larger council with only six officials under head C. It is also to be remembered that when we give power we create responsibility, and a solid opposition of all non-official members will not be so lightly undertaken in the larger council of the future as in the smaller of the past, where such opposition made no possible difference to the result.

§ Finance.
Home.
Revenue and
Agricultural.
Commerce and
Industry.
Army Department.
Military Supply.

13. I think that the council as thus formed is a great advance not only on our present council but also on the council which we offered to the public in our circular letter. Through the elective principle the educated classes, commerce, land interests and the Muhammadan community acquire a very adequate representation, while minor interests are protected by the non-official seats reserved for

* Bengal Chamber of Commerce 1, Bombay, Rangoon and Madras Chambers 1, Chambers of Upper India and the Punjab 1.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces.

‡ To be nominated by the Governor General in consultation with local Governments, until a method of election by commercial associations is devised.

nomination. It cannot be said that official interests are represented in excess by a member for each province and the members of council and secretaries of the Government of India, which I hope will be the limit of the ordinary working council. If that be accepted as the ordinary limit we do away with the scandal and absurdity of having a number of official dummies kept idle at the head-quarters of Government for the purpose of recording their votes if required. There will not be an official on the council who has not definite duties to perform and definite interests to look after. It is worth while to take the very slight risk of defeat that is entailed in an ordinary working council of this nature, in view of the enhanced sense of responsibility that it will give to non-official members. For after all, if the Government is defeated the world will not come to an end. It will be always possible for Government to add to the council, to bring in the measure again, and to pass it in spite of a solid opposition of non-officials.

14. The notes may now be printed and circulated to the Council Committee.

H. A[DAMSON],—17.7.08.

Third report of the Committee appointed to consider the Council proposals.

THE IMPERIAL LEGISLATIVE COUNCIL.

Under the law and rules at present in force the Legislative Council of the Governor General stands thus :—

A. <i>Ex-officio</i> , the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council	...	...	8
B. Additional officials nominated, not exceeding	...	...	6
C. Recommended by the Calcutta Chamber of Commerce	...	...	1
D. Recommended by the non-official additional members of the Legislative Councils of Madras, Bombay, Bengal and the United Provinces	...	...	4
E. Non-officials nominated with reference to legislative business or to represent interests	...	...	5
			—
	Total	...	24
or, including His Excellency the Viceroy...	...	...	25

In their letter of 24th August 1907 the Government of India suggested that effect might be given to the principle of the representation of classes and interests by means of a Council constituted in the following manner :—

A. <i>Ex-officio</i> , the Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of Executive Council	...	...	8
B. Additional officials to be nominated, not exceeding...	...	...	20
C. A Ruling Chief to be nominated by the Viceroy	...	...	1
D. Elected members—			
(a) by the Chambers of Calcutta and Bombay	...	...	2
(b) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma	...	...	7
(c) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces	...	...	7
(d) by Muhammadans	...	...	2
E. Non-officials nominated by the Viceroy to represent minorities or special interests, not less than two to be Muhammadans	...	...	4
F. Experts to be nominated by the Viceroy, when necessary for special purposes	...	...	2
			—
	Total	...	53
or, including His Excellency the Viceroy	...	...	54

The Committee have carefully considered the proposals of local Governments on the subject and the large body of non-official opinions submitted. In their judgment these papers bear out to the fullest extent the conclusion arrived at by the Government of India in 1892, and affirmed in all the later discussions, that representation by classes and interests is the only practicable method of giving effect to the elective principle. Proceeding on these lines, the Committee

propose that the Imperial Legislative Council should be constituted as follows :—

A. <i>Ex-officio</i> members	...	...	...	...	8
B. Officials representing provinces	...	...	...	...	8
C. Nominated members ; not more than 15 to be officials ; the remainder to be representatives of minorities or special interests, or experts	...	...	...	...	18
*D. Elected members—	...	...	...	...	28
†(a) By the Provincial Legislative Councils and by the Advisory Council of the Central Provinces	...	...	...	...	12
(b) By the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces	...	...	...	...	7
(c) By Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and (alternately) Madras and Bombay	...	...	...	...	5
(d) By Chambers of Commerce of Calcutta and Bombay	...	...	...	...	2
‡(e) By representatives of Indian commerce	...	...	...	...	2
			Total	...	62
or, including His Excellency the Viceroy	...	...	...	...	63

The reasons for these proposals are stated in the following paragraphs.

2. *Enlargement of the Council.*—In their letter of 24th August 1907 the Government of India suggested that the size of the Council should be more than doubled. Among local Governments, Bengal, the United Provinces, and Burma approve of the proposal and make suggestions tending to raise the number still further. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official members and throws out the suggestion that their number might be reduced by giving each official vote a double value. Most of the opinions forwarded favour enlargement, and a number of persons either propose a number in excess of 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. The Committee are impressed with the unanimity of the feeling in favour of a larger Council, and they consider that the spread of education and the demand for a greater share in the management of public business render an increase inevitable and on the whole desirable. In view of the various classes and interests which claim representation they find it impossible to propose a smaller number than 62 or, including His Excellency the Viceroy, 63.

3. *Maintenance of an official majority.*—The necessity for maintaining an official majority was explained in paragraph 46 of the Government of India's despatch of 21st March 1907 and was emphasised by the Secretary of State in paragraph 21 of his reply of 17th May 1907. And on the 6th June 1907 in his speech on the Indian Budget the Secretary of State outlined the scheme of reforms and laid down that an official majority must be maintained in the Legislative Councils. The principle was embodied (in the language of Lord Morley's despatch) in paragraph 10 of the Government of India's letter of 24th August 1907, and the Committee can discover nothing in the present correspondence which would justify any proposal that would deprive the Government of their ultimate power of maintaining an official majority if necessary. In fact the most advanced non-official critics, while challenging in terms the principle of an official majority, virtually admit that the executive Government must in the last resort be supreme, and themselves put forward specific proposals which confirm that admission.

4. *Strength of the official majority.*—In order to avoid the inconvenience and waste of power involved in taking a number of officers away from their ordinary work merely for the purpose of voting on the Government side, the Committee would reduce the official majority to the narrowest limits. Their scheme provides—excluding His Excellency the Viceroy—for 31 official members,

* Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor General in consultation with local Governments until a method of election can be devised.

8 *ex-officio*, 8 representing provinces, and 15 appointed from among those officials at the headquarters of Government whose services can be made available without undue interruption of their ordinary duties. In the event of the Council being equally divided so that 31 officials were on one side and 31 non-officials on the other, the Viceroy's vote would turn the scale in favour of the Government. It is however extremely improbable that such a case would be of frequent occurrence, and on all ordinary occasions Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry their proposals without His Excellency's intervention.

5. *Omission of the Ruling Chief.*—The inclusion of a Ruling Chief in the Imperial Legislative Council proposed last year is objected to by a large number of persons on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a Chief can know very little about the subjects with which British Indian legislation is concerned. The Committee are of opinion that a Ruling Chief should not form an obligatory element of the Council. When there happen to be special reasons for appointing one, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a religious minority such as Muhammadans or Sikhs.

6. *Representation of the educated middle class.*—The Government of India's proposal to assign seven seats to the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma is accepted by all local Governments except the Punjab which observes that as the number of non-official members on its Provincial Council will probably remain small, "it would be difficult, though not of course impossible, to concede to them the right of electing a member for the Imperial Council". This portion of the published scheme has been attacked by non-official critics on the ground that it gives to the educated middle class only three more seats (corresponding to the three additional provinces to be represented) than they now possess. Several suggestions are made for increasing the number by assigning two or more members to each of the Provincial Councils. The Committee recognise the force of these criticisms, but they find it impossible to give each of the seven Provincial Councils as many as two members without raising the total strength of the Imperial Council to an extent that would be inconvenient. They suggest therefore as a reasonable compromise that the four provinces which will have comparatively large Provincial Councils, namely, Madras, Bombay, Bengal and the United Provinces, should be allowed to elect two members, the three provinces with smaller Councils, namely, the Punjab, Eastern Bengal and Assam and Burma getting only one member each. This would raise the number of members elected by Provincial Legislative Councils from seven to eleven, which seems a fair allotment so far as the provinces with Councils are concerned. The case of the Central Provinces has also to be considered. There is at present no Legislative Council in those Provinces and there are difficulties in forming any kind of suitable electorate. For the present therefore the Committee think that some use may legitimately be made of the Advisory Council, and they consider that the representative might be nominated by the Chief Commissioner in consultation with that Council. This is perhaps not a very great advance, but it represents a somewhat nearer approach to election than nomination pure and simple which appears to be the only alternative.

7. *Representation of landholders.*—The proposal made in the Government of India's letter of 24th August 1907 that the nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces should be represented by seven members, is generally approved by the local Governments and has been well received by the landholders themselves, and the Committee are of opinion that it gives sufficient representation to the landed interest. The question, however, of the manner in which the members are to be selected is a difficult one, and there is little uniformity in the answers. The Governments of Madras and Bengal propose to form electorates based upon income from land. The United Provinces has a

scheme for election proper in Agra and another for election by associations in Oudh. The Government of Bombay support election through associations as the only feasible method in that Presidency. The Central Provinces thinks that the formation of an electorate is impossible, and puts forward a scheme for election by Durbaris combined with nomination. Eastern Bengal and Assam proposes election by an association, and the Punjab is in favour of nomination. Among these conflicting opinions it is impossible for the Committee, with the materials available, to make any definite proposal. They recommend, therefore, that in addressing the Secretary of State the Government of India should explain that the question will require further consideration in the light of local knowledge, and should discuss generally the three rival methods, namely—

- (a) election by a regular electorate of landholders based either on payment of land revenue or on the income derived from land ;
- (b) election through the nomination of landholders' associations which are approved by the landholders themselves, and are recognised by Government for the purpose ;
- (c) nomination by Government pure and simple, where it is impossible to form a regular electorate.

In applying each of these methods regard would be had to local conditions. For instance in the United Provinces the claim of the British Indian Association, which represents the Oudh Talukdars, to elect a member deserves special consideration ; but the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. The Committee consider it essential that in all cases the candidates for election should themselves be members of the electorate.

8. Representation of Muhammadans.—All local Governments approve of the proposals for the special representation of Muhammadans which were made in the Government of India's letter of 24th August 1907. These proposals are as a rule adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognise the expediency of giving special representation to the Muhammadan community, and the Bombay Presidency Association, while they object strongly to the creation of a special Muhammadan electorate, make provision in their scheme of a Council for the election of two members by the Muhammadan community.

The first question is how many seats should be allotted to the Muhammadan community? After carefully considering the demands of the Muhammadans themselves and the views expressed by the Hindus, the Committee think that the claims of the former will be adequately met if four elective seats are assigned to them and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four provinces which have the largest Muhammadan population, namely, Bengal, Eastern Bengal and Assam, the Punjab and the United Provinces. The fifth seat should be given alternately to Bombay and Madras where the Muhammadan population is smaller, and for this it may be necessary to have recourse to nomination until satisfactory electorates can be formed.

The question of a Muhammadan electorate presents much the same difficulties as the formation of a landholding electorate. In most provinces the Muhammadans are in favour of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The Governments of Madras and the United Provinces propose electorates, based partly upon property and partly upon literary qualifications, which appear to the Committee to be well devised. Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognised titles ; both of these are doubtful features. The Government of Eastern Bengal and Assam suggests that the Muhammadan representative should be elected by the Provincial Muhammadan Association. The Punjab considers it impossible to form a Muhammadan electorate and proposes that the Muhammadan representative

should be nominated by the Lieutenant-Governor. The Committee would deal with the question in the same way as they have proposed to deal with the representation of landholders. Their view is that in provinces where election by a regular Muhammadan electorate is feasible, that method should be adopted, that Muhammadan associations should be made use of where electorates cannot be formed, and that nomination by Government should be resorted to where neither of the first two methods is practicable. Applying this principle to the cases under consideration, it seems probable that the Governments of Madras, Bengal and the United Provinces will succeed in forming electorates, that Eastern Bengal and Assam will rely upon an association, and that Bombay and the Punjab will in the first instance resort to nomination.

9. *Representation of commerce.*—In the scheme put forward by the Government of India in August 1907 two seats on the Council were assigned to the Chambers of Commerce of Calcutta and Bombay. No provision was made for the representation of Indian commerce otherwise than by nomination. The opinions show that there is a general feeling in favour of increasing the number of commercial elected members. It is difficult, however, to find room for more than four commercial members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business to attend meetings of the Legislative Council. Taking four seats as the maximum that can be permanently allotted, the Committee propose—

- (1) that two seats should be given to the Chambers of Commerce of Calcutta and Bombay as representing in the largest sense European commerce throughout the whole of India;
- (2) that two seats should be reserved for Indian commerce, the members to be nominated by the Governor General in consultation with local Governments until a method of election by commercial associations is devised.

It may be said that the first proposal excludes from representation

<i>Value of sea-borne trade in 1907-08.</i>			
			Rs.
Bengal	...	...	1,64,84,29,465
Bombay	...	...	1,67,53,10,197
Sind ...	...	...	42,65,26,205
Madras	...	...	43,70,37,491
Burma	...	...	63,55,69,209
Eastern Bengal and Assam...	...	...	Figures for 1907-08 are not available. During 1906-07 the total trade was Rs. 8,61,01,872.

the European commercial interests of Burma, Madras, Upper India, Sind and the Punjab. On the other hand, the figures noted in the margin show how enormously the commercial interests of Bengal and Bombay preponderate over those of the other provinces.

It may be added that the Chambers of Commerce of Calcutta and Bombay will naturally receive references from the other Chambers on subjects affecting European commercial interests and will arrange to have them brought to the notice of the Council by their own members; that representatives of the other Chambers can be brought in by nomination as experts or in the place of officials; and that all of these bodies will recommend members for the Provincial Councils who will bring forward their views in the debates on the Budget. None of the local Governments suggest any practicable arrangement for the representation of Indian commerce by means of election, but the Committee are disposed to think that if two permanent seats are assigned to that interest, associations will in course of time be formed which will be sufficiently stable and representative to admit of their being utilised as electoral agencies.

10. *Seats reserved for nomination.*—The Committee have explained above their reasons for recommending that the full Council should comprise not more than 15 nominated officials, exclusive of the additional officials required for the purpose of representing the provinces. They find it impossible, without increasing the size of the Council, to assign more than three seats to nominated non-officials. This number, however, appears to them sufficient to enable His Excellency to give occasional representation to the interests of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, and sometimes to appoint one or two experts in connexion with legislation pending before the

Council. It may reasonably be expected that some at least of these minorities will obtain seats by the ordinary process of election, while the others need only be represented at intervals. It must also be remembered that although 15 nominated officials are provided for under head C, so as to guarantee in the last resort an absolute official majority, it will scarcely ever be necessary to appoint more than about six and it may sometimes be possible to nominate non-officials to some of the seats reserved for officials. When we give power we create responsibility, and a solid opposition of all non-official members will not be so lightly undertaken in the larger Council of the future as in the smaller Council of the past, where such opposition made no possible difference to the result.

11. *Recognition of elective principle or retention of nomination on recommendation.*—In order to simplify the form of the legislation that must be undertaken in Parliament and to avoid the necessity for laying down specific disqualifications for election, the Committee recommend that the existing system should be retained, and that the various electorates should be required to recommend members for nomination by the Governor General as is the practice under the existing Act and regulations.

12. *Minimum and maximum of additional members.*—As to this the Committee recommend that the number of additional members nominated by the Governor General should be not less than 40 or more than 54, and that these numbers should be substituted for the numbers 10 and 16 in section 1 (1) of the Indian Councils Act of 1892.

13. *Result of Committee's proposals.*—In conclusion the Committee desire to draw attention to the great extension of popular representation which their proposals involve. The number of interests represented on the Council has been increased by assigning special seats to landholders, Muhammadans, and representatives of Indian commerce, the minimum number of non-official members has been raised from 10 to 31, and the number of elected members from 5 to 28.

The 31st August 1908.

(Sd.)	H. E. RICHARDS.
(„)	H. ADAMSON.
(„)	J. O. MILLER.
(„)	J. S. MESTON.

PROVINCIAL LEGISLATIVE COUNCILS.

1. The correspondence and discussions which led to the passing of the Indian Councils Act of 1892 are summarised in paragraphs 10—25 of my note on the Imperial Legislative Council. In paragraph 6 of his despatch no. 15 of 30th

HISTORY OF
SUBJECT.

* Copy annexed

June 1892,* forwarding a copy of the Act, Lord Cross observed that the ultimate nominating authority still rested with the Government, and that their responsibility for the careful exercise of this authority was by no means diminished by the increase in the number of non-official members. He proceeded to define the principle upon which nominations were to be made under section 1 (4) as "the representation of the views of different races, classes, and localities." He added that "where corporations have been established with definite powers, upon a recognised administrative basis, or where associations have been formed upon a substantial community of legitimate interests, professional, commercial, or territorial, Your Excellency and the local Governors may find convenience and advantage in consulting from time to time such bodies, and in entertaining at your discretion an expression of their views and recommendations with regard to the selection of members in whose qualifications they may be disposed to confide." This despatch was sent to the local Governments of Madras, Bombay, Bengal and the United Provinces with the Home Department letters of 15th August 1892, copies of which are attached for reference. The draft regulations accompanying the letters to Bengal and the United Provinces were based upon the draft appended to Sir Charles Crosthwaite's note of 8th July 1892. The replies were considered by the Government of India and the Secretary of State was addressed in the despatch of 26th October 1892. That despatch affirmed in forcible language the principle of representation by classes, races, communities and interests; referred to nomination as the appropriate method of representing classes which "are not in numerical preponderance or are unaccustomed to act together"; and insisted on the necessity of retaining an official majority. The draft regulations which it forwarded were approved by the Secretary of State, with two modifications, in his despatch of 16th February 1893.

Vol. II, p. 269.

Vol. II, p. 272.

The letters to local Governments of 15th August 1892 describe the leading features of the scheme then put before them as follows:—

- (1) That there should be a majority, but only a bare majority, of officials.
- (2) That the non-official members should be partly recommended by certain bodies and partly selected, the latter being held in reserve to redress inequalities.
- (3) That the recommending bodies should not, except in the case of the presidency towns, be determined with reference to locality or numbers, but should be chosen so as fairly to represent all important races and classes. In the case of Bengal and the United Provinces it was pointed out that any system of voting by majorities would certainly, in most localities, tend to the exclusion from representation of important sections of the community.

2. The discussions of July and August 1892 leading up to the issue of these letters, and those of October 1892 preceding the despatch of 26th October 1892 to the Secretary of State, contain a good deal of repetition and are rather confusing in form. I have therefore endeavoured to extract from them the points which are of interest at the present time. Those which apply generally to all Provincial Councils are discussed in the following paragraphs; others are noticed in connexion with the provinces to which they relate.

3. The general policy adopted in 1892 may be gathered from Lord Lansdowne's summary of the 'mandate conveyed to the Government of India. He said:—

GENERAL
POLICY OF
1892.

- (1) "It is not expected of us that we shall attempt to create in India a complete or symmetrical system of representation."
- (2) "It is expected of us that we shall make a *bonâ fide* endeavour to render the Legislative Councils more representative of the different sections of the Indian community than they are at present."

- (3) "For this purpose we are at liberty to make use of the machinery of election wherever there is a fair prospect that it will produce satisfactory results.
- (4) "Although we may to this extent apply the elective principle, it is to be clearly understood that the ultimate selection of all additional members rests with the Government and not with the electors. The function of the latter will be that of recommendation only."

Of these four principles the first three appear to me to hold good still. Complete representation, in the European sense, is as impossible now as it was sixteen years ago. But sections, classes, and interests which were weak and undeveloped then are stronger, better educated, and more clearly defined now. The third principle fits the case of the Punjab and Burma, and amounts to an instruction *not* to introduce election where there is not a fair prospect of its working well. As regards the fourth principle, many people will be disposed to say that it has had its day and is now virtually obsolete. The Commons debates of 1892 show that even at that time it was a rather shadowy compromise. In actual practice the members "recommended" under it have been spoken of and treated as "elected," and no use has been made of the regulation enabling the head of the Government to decline to accept a nomination. It may be argued, therefore, that the time has arrived for frankly recognising that election is election, and that if we hesitate to say this ourselves the House of Commons will say it for us. The change will in itself be little more than formal, but it will involve surrendering the general and indefinite power of rejecting a candidate which is conferred by regulation VIII, and substituting some specification of

I think on the whole it will be best to retain the present system. If it is modified by Parliament into election proper we will then have to consider the principles of disqualification. It is a knotty subject and it is unnecessary to discuss it now.

H. [DAMSON].

the grounds which will disqualify persons for election to the Councils. As to this it may be said that a general power of rejection may be suitable enough in the case of a comparatively small Council constituted on an experimental basis, but that it is not applicable to a large Council constructed on representative lines. On the other hand, supporters of the present system may argue that it is convenient in itself, that it has given full play to the elective principle, that no candidate has ever been rejected, that arbitrary rejection is out of the question, and that a simple discretion vested in the head of the Government is better than the elaborate provisions as to disqualification in force in England, with their accretions of judicial decisions and Parliamentary rulings. On the whole, I am inclined to think that our best course will be to recommend the retention of the present system, leaving it to Parliament to make what changes they think fit. It is to be hoped, however, that the matter of disqualifications will be left to be provided for by regulations and not embodied in the Act. Mr. Gladstone's view, that Parliament should lay down principles and leave it to the Government of India to give effect to them, applies with much force to this question. Hard-and-fast statutory provisions based upon English practice might prove most embarrassing.

**OFFICIAL
MAJORITY.**
Vol. II, p. 247.

Pros., Aug. 1892,
nos. 237 to 252,
pp. 108-10.

Pros., Oct. 1892,
nos. 157-184, pp.
30-31.

Pros., Oct. 1892,
nos. 157-184, pp.
21-22.

Pitto, p. 29.

4 The necessity of an official majority was admitted in the discussions of 1892, but, the majority first proposed by Sir Charles Crosthwaite for the United Provinces, was merely a casting-vote majority. At that time Sir Alexander Miller seems to have concurred in this, though later on he wrote "as for carrying any measure, not of merely administrative importance, by the casting vote of the President in opposition to an unbroken phalanx of non-officials, I refuse to believe that any President could be found who would permit such a thing. I should assume that he would always act on the principle of the Speaker of the House of Commons and vote so as to keep the question open". Sir Philip Hutchins regarded a combination of all the non-officials as next to impossible, and remarked that it would be perfectly safe to reduce the number of officials on the Bengal Council to nine. He agreed however with Sir Charles Lyall (then Home Secretary) in thinking it undesirable that the head of the Government should be "frequently called upon to vote, and much less to give a casting vote." In reply to the argument as to the improbability of combination, Sir Henry Brackenbury referred to the experience of the Natal Council, where the Government were defeated more than once by members whose interests were opposed combining "not only against legislation proposed by Government but in favour of legislation opposed

by Government," with the result that the constitution of the Chamber had to be changed. It was decided in Council that the regulations must be so framed as to allow of an official majority in each province. But the precise nature and extent of the majority was not stated in the order, and the arrangements were not uniform in all provinces. In Madras and Bombay, where the local Commanders-in-Chief were members of the Executive Council up to April 1895, the officials, including the Governor and the Advocate General numbered 13 and the non-officials 11, giving a clear official majority without the Governor. In Madras, however, the Commander-in-Chief is said rarely to have attended the meetings of the Legislative Council. In Bengal, including the Lieutenant-Governor and the Advocate General, there were 11 officials and 10 non-officials. In the United Provinces including the Lieutenant-Governor, there were only 8 officials against 9 non-officials. The position of the Advocate General is a little doubtful. Technically he is an official, being appointed by Royal warrant, but both Sir Philip Hutchins and Lord Lamington say that his vote cannot be relied on, and my experience in Bengal is to the same effect. I observe also that in 1893 Sir Philip Hutchins and Sir Alexander Miller proposed to treat the Advocate General as a non-official for the purpose of the recommendations to be made by the non-official members of the Provincial Legislative Councils, on the ground that "his position as leader of the local Bar, appointed to his office by Her Majesty, guarantees his independence sufficiently to establish a distinction between him and the other official members, while his advice and assistance would be valuable in leading to the selection of proper persons for recommendation." If he is counted as a non-official, it follows that in Madras and Bombay at the present time the official majority depends on the Governor's casting vote, while in Bengal the Government would be defeated if the Advocate General voted against it, for the non-official votes would be 11 to 10 and the casting vote could not be used. In the other provinces the numbers, including the Lieutenant-Governor, are exactly equal and his casting vote turns the scale.

I think that if we provide a majority of one in a full Council including the Governor's vote (not his casting vote) we may safely reckon the Advocate General as an official.

H. A. [DAMSON].

independence sufficiently to establish a distinction between him and the other official members, while his advice and assistance would be valuable in leading to the selection of proper persons for recommendation." If he is counted as a non-official, it follows that in Madras and Bombay at the present time the official majority depends on the Governor's casting vote, while in Bengal the Government would be defeated if the Advocate General voted against it, for the non-official votes would be 11 to 10 and the casting vote could not be used. In the other provinces the numbers, including the Lieutenant-Governor, are exactly equal and his casting vote turns the scale.

5. In addressing local Governments in August 1892 the Government of India drew attention to the fact that in the Secretary of State's despatch of 30th June 1892, the representation to be aimed at was described as that "of different races and classes" and only in the last place of "localities". In a note of 27th May 1892, written at Lord Lansdowne's request, Sir Charles Elliott had proposed to assign six members to divisions or groups of divisions, to be elected through electoral colleges by District Boards or Road Cess Committees and by municipalities having an income of over Rs. 50,000. In the constituency thus formed the municipalities would have had 13 votes out of 91. In a similar note of 8th June 1892, Sir Auckland Colvin suggested for the United Provinces that Municipalities and District Boards should each elect two members, voting separately by two groups of divisions which corresponded approximately to the tracts east and west of the Ganges. Delegates and a scale of voting power were provided for. He remarked incidentally that a "district" is a "geographical expression; and the term predicates no unity of interest, sentiment, or prejudice". In view of what Sir James LaTouche has since told us it is curious to find Sir Auckland Colvin saying—"There is little doubt that the District Boards will return only the most influential and considerable landlords, or possibly those who unite with the business of banking the possession of large landed property." He also seems to me to have greatly underrated, even at that time, the influence of the national Congress. In commenting on these schemes Lord Lansdowne expressed disapproval on the ground that their adoption might "create the impression that we were about to attempt the representation of India in the English sense of the word representation" and would thus "raise expectations which we must inevitably disappoint." He therefore was inclined to prefer direct election by a few of the larger Municipalities, Patna and Dacca in Bengal, and Benares, Lucknow, Agra and Allahabad in the United Provinces. Sir Philip Hutchins observed that the object was to represent classes and interests and not localities, but thought that the arbitrary selection of particular Municipalities would "lead to agitation demanding a seat for every important borough". He was rather inclined to adopt Sir Auckland Colvin's

Pros., Oct. 1894
nos. 157-154, p. 41.

Imperial Gazetteer,
Vol. V, p. 353.

Pros., Aug. 1892,
nos. 237-252, p. 93.

Ditto, p. 93.

Vol. I, p. 73.

Desp. of 22nd
March 1893, Pros.,
March 1893, nos. 98-
152, p. 39.

**TERRITORIAL
REPRESENTA-
TION.**

Pros., Aug. 1892,
nos. 237-252, p. 29.

Ibid., pp. 35-39.

Vol. I, p. 90.
Pros., Aug. 1892
p. 40.

Ibid., pp. 40-41.

Ibid., pp. 80-81.

Ibid., pp. 89-91.

Ibid, p. 97-

ideas, and did not like Sir Charles Elliott's plan of combining District Boards and Municipalities in the same constituency. Sir Charles Crosthwaite pointed out that it was "obvious from the numbers assigned to each Council by the Act that the Houses of Parliament never contemplated anything in the shape of territorial representation or the division of the people into electoral constituencies." The object being to represent the leading classes of the community, he proposed (taking the United Provinces as an illustration) to enumerate in the regulation the classes to be represented, to lay down the number of seats assigned to each class, and to state, by general description and not by name, the sources from which recommendations were to be sought for the purpose of obtaining suitable representatives of the several classes. A glance at his rough draft, of which a copy is annexed, will make his method clear. That draft formed the basis of the Government of India's proposals, and its original form is particularly instructive as showing the principles on which the Government of India proceeded. We are now told by the advanced party that territorial representation has been in force in India since 1893, and we are charged with introducing for the first time the idea of representation by interests in order to set class against class and retard national unification and progress. Sir Charles Crosthwaite's draft shows how far this allegation is from the truth. It is perfectly clear, that the Municipalities and District Boards, which are now described as embodying the European principle of territorial representation, were introduced into the Government of India's scheme in order to afford a means of representing the urban and rural classes respectively. No doubt the plan has failed; both sets of bodies have elected middle class pleaders, and not the people they were intended to elect. No doubt also, we must accept the position and meet in reason the demand of the educated middle class for enlarged representation for themselves. But we should refute the charge of introducing any new principle now; we should insist upon the class principle as the only principle applicable to Indian conditions; and we should give the other classes a fair share of the available seats. I may add that Sir Charles Crosthwaite's note is well worth reading. A lengthy and vigorous statement of the case for territorial representation and against class representation will be found in the letter of the Poona Sarvajanic Sabha of 3rd June 1893. It was this correspondence which led to the transfer of a seat from the Karachi Chamber of Commerce to the District Boards of the Central Division. *Vide* the second foot-note on page 18 below.

Volume II, pp.
247-250.
Pros, July 1893,
nos. 136-140.

ASSOCIATIONS.

Pros. Aug. 1892,
p. 25,

Vol. II, p. 166.

6. In the letters of 15th August 1892 to Bengal and the United Provinces the Government of India said that an Association not established by law should not be "prescribed as a recommending body unless the Lieutenant-Governor is satisfied (1) that it is constituted *bona fide* for the protection of the interests of the classes concerned, and (2) that all members of those classes are free to join it. This condition is indispensable, as otherwise associations constituted purely on a political basis might be expected to spring up for the purpose of securing representation for particular opinions, instead of for substantial interests." It will be of interest, as supplementing the remarks on this subject in the note on the Imperial Legislative Council, to bring together here such observations on the use of associations as electorates for the Provincial Councils as appear in the papers. Sir George Chesney's Committee of October 1888 took a strong line in the matter. They said "we are quite clear that no associations, even though they be stable and permanent, can form a safe basis for the electoral system unless their constitution is prescribed, and their functions and responsibilities determined, by law." In the note written for Lord Lansdowne which I have referred to above, Sir Charles Elliott mentioned that the Bengal Chamber of Commerce and the Calcutta Trades Association were recognised by the Port Trust Act and the Calcutta Municipal Act as bodies entitled to appoint Commissioners. He also named other associations of landholders, planters, and Muhammadans which were generally consulted by Government on matters concerning their interests. But he indicated the following objections to using them as electorates—

- (1) That they would give a preponderance of Calcutta members, while the reform most needed was that the mufassal should be better represented.

- (2) That the Landowners' Associations of Behar and Eastern Bengal did not properly represent those areas, and that there was no association at all to represent Orissa.
- (3) That the Indigo and Tea Planters' Associations did not comprise all the men engaged in those industries; that they could not be relied on to nominate a member conjointly; and that, if they did he would probably be a member of one of the agency houses in Calcutta.
- (4) That the two Muhammadan Societies were not on very friendly terms, and did not comprise all the leading men in the province.

Sir Auckland Colvin, in his note of 8th June 1892, spoke of the Talukdars of Oudh as a powerful and compact body of men whose territorial rights and privileges have been guaranteed them by the law, and who have formed themselves into an association (the British Indian Association) "which is in the habit constantly of electing individuals to represent it in one or other capacity." He saw therefore no difficulty in allowing this association to elect its own member Sir Charles Crosthwaite admitted the convenience of making use of the British Indian Association "as representing the landlords of Oudh directly, but indirectly of the United Provinces," and the Cawnpore Chamber of Commerce as representing the mercantile classes, and his draft regulations provide for the recognition of these bodies. But he also observed—

Pros., Aug. 1892,
pp. 36-37.

Ibid, pp. 99-101,

- (1) That it is not advisable to encourage Hindus, Muhammadans, or Europeans to form separate associations for political purposes. "Associations so formed would, I fear, be remarkable chiefly for race feeling and religious bigotry."
- (2) That it would be better to recognise only those bodies which are constituted by law. "If one private institution is recognised, others which exist or will be formed hereafter will claim equal recognition. The Congress is certain to step into the field, and in fact Mr. A. O. Hume has already called attention to its claims to be used as a medium for introducing the elective principle". Here I may point out that *no* commercial or landholding associations are *constituted* by law. District Boards, Municipalities, and Universities are the only bodies so constituted. But the Chambers of Commerce and Trades Associations have been *recognised* by law in Calcutta, Bombay and Madras for the purpose of electing members of the Corporation and, in Calcutta, of the Port Trust.
- (3) That a society formed to protect some legitimate purpose may "if it is given the power of recommending a person for a seat in Council, be transformed into the mouthpiece of a political clique."
- (4) That this danger may threaten a body constituted by law. "In the case of a Municipality, for example, a caucus might be formed to exclude all who do not belong to a certain sect or hold certain political opinions. In Benares we might easily conceive that the Municipality might exclude every one who would not take up the abolition of cow-killing and active hostility to Muhammadans as his political creed."

Sir David Barbour proposed that such "permanent and influential associations as the Chambers of Commerce in Calcutta, Bombay, and Madras should be referred to by name." This was not embodied in the draft regulations sent to Bengal, but the Chamber was mentioned in the letter, and the Lieutenant-Governor was asked whether the Chamber and the Trades Association might not combine to elect a member. In the letters to Bombay and Madras it was suggested that the Chamber of Commerce should recommend a member. In December 1892, Sir Charles Crosthwaite, who had by that time become Lieutenant-Governor of the United Provinces, drew attention demi-officially to rule III of the rules and regulations of the Upper India Chamber of Commerce, which appeared to him to disqualify the Association from being a recommending body. He asked, with reference to the second principle laid down in the Government of India's letter of 15th August—that all members of the class represented by or interested

Ibid, p. 115.

Ibid, pp. 136-a—136c.

in an association should be free to join it—whether the Bengal Chamber had a similar rule and, if so, whether it would be held to bar that Chamber from recommending a member to the Legislative Council. The Upper India rule ran as follows:—“All firms, persons, or associations engaged or interested in mercantile pursuits, and disposed to abide by the rules and aid in carrying out the objects of the Chamber, shall be admissible as members by the vote of a majority of not less than two-thirds of those voting at a General Meeting.” Sir Charles Crosthwaite was told that the Calcutta rule was the same in principle. “Persons engaged in commerce, whatever their nationality may be, are eligible for election, but they cannot join the chambers without first complying with the formalities regarding election.” It was further explained that in laying down the second principle referred to above “the Government of India did not intend that no association should be a recommending body unless every one had an absolute right of joining it regardless of all objections which the existing members might entertain.” When this reply was sent the Government of India had already submitted to the Secretary of State draft rules recognizing associations. Sir Philip Hutchins seems to have had some misgivings on the subject, but eventually, after discussing the question with Sir Charles Lyall, he noted: “It is conceivable that under the rule a clique might blackball all persons not holding particular opinions [and] prepared to support them with their votes, but it would be time enough if any such improbable event should take place, for the Lieutenant-Governor to consider if he should still entrust a ‘recommendation’ to the Chamber.” In their reply of 3rd September 1892 to the Government of India letter of 15th August Madras objected to election by an association of landholders on the ground that the only association that existed was wanting in cohesion, and also proposed to substitute “the mercantile classes” for “the Madras Chamber of Commerce” because that Chamber alone did not sufficiently represent the mercantile interest. Bengal repeated officially what Sir Charles Elliot had said in his note referred to above, adding (1) that neither the British Indian Association nor any other landholders’ association was entirely representative, and that therefore the landholders’ representative should be nominated; (2) that joint recommendation by the Chamber of Commerce and the Trades Association was impracticable and both should have representatives, as they had had for 30 years; and (3) that the planting community could only be represented by nomination. Sir Auckland Colvin said that the British Indian Association was far from representing all the landed interests of Oudh, but that the Talukdars would greatly resent exclusion from the privilege of recommending a member. The regulations approved by the Secretary of State take power to prescribe as recommending bodies both commercial and landholding associations. In the United Provinces landholding associations might be prescribed, but the provision was not acted on. In Bengal the landed interest was left to be represented by nomination. A protest was entered against this in 1893, by the British Indian Association, Calcutta, who asked for a member of their own, but the Lieutenant-Governor did not support them and the Government of India refused their request. In 1898 they renewed their application and were strongly backed up by Sir John Woodburn, with the result that one seat was taken away from Municipalities and given to associations of landholders. The Association’s letter of 30th April 1898 contains an effective indictment of the present system of election from their point of view.

6. Further consideration of the general question of the recognition of associations leads me to suggest—

- (1) That we should recognise associations which now have the privilege of recommending members, until the interests which they purport to represent demand an electorate, and the local Government considers the proposed electorate practicable.
- (2) That all other associations should only be recognised provisionally, pending the formation of regular electorates.
- (3) That power should be reserved to withdraw recognition from any association at any moment without giving reasons.

I venture to think that this proposal has the following advantages:—

- (a) It proceeds on the principle of *beatū prossidentes* which all Indians understand.

P. 136-d.

Pro., Oct. 1892,
p. 45.

Ibid, p. 50.

Ibid, p. 60.

Pros. June 1893,
nos. 313-315.
Pros. Nov. 1898,
nos. 112-121.
Pros. Nov. 1899,
nos. 203-205.
Also Council
papers vol. II, p. 279

- (b) It gets rid of the British Indian Association, Calcutta, who have themselves proposed an electorate.
- (c) It preserves the British Indian Association of Oudh, which could hardly be disfranchised.
- (d) By giving a member to the Oudh Association, it avoids the charge of retaining European Associations and disestablishing Indian ones.
- (e) It gives us a free hand to deal with all Associations as the occasion may require, and enables us to disfranchise a corrupt or unfair body. Regulation VIII does not meet the case as under it a fresh request would have to be made to the offending association to recommend a member.

7. In his note of 8th June 1892, Sir Auckland Colvin proposed that the representative of the University should be elected from among themselves by the Fellows, that is by the Senate. He described the suggestion that all graduates should have a right to vote as "radically opposed to the constitution of our University" and as giving undue weight to the views of young men "who have no experience beyond what they may have gained in the course of study for their degree." Lord Lansdowne observed: "I doubt this being right. The bulk of the Fellows are nominated by the Chancellor, about $\frac{1}{4}$ only being elected by the Senate. I would prefer to give votes to the Masters of Arts." Sir Alexander Miller thought it best to begin with the Senate; the franchise could at any time be extended to the M. A.'s, but could not be taken away if once given. Sir Philip Hutchins also preferred the Senate, a portion of which was elected by the graduates. On further consideration Lord Lansdowne accepted this view. Sir Charles Elliott had no objection to the Senate electing a member, if this was proposed for other Provincial Councils, but he was not disposed to press for it because the member would almost certainly be a resident of Calcutta, which was "somewhat too fully represented." In the case of Allahabad, Sir Auckland Colvin wished to "extend the rights of recommendation to Professors of all affiliated colleges in the United Provinces affiliated to that University, whether Fellows of that University or not, and to all who have taken the degree of M. A. or degree of Doctor in any Faculty at the University of Allahabad; or (being residents of the United Provinces) at the Universities of Calcutta and Lahore, prior to the year 1889."

REPRESENTATION OF UNIVERSITY.

Pros., Aug. 1892, p. 37.

F. 90.

Pros., Oct. 1892, p. 52.

Ibid., p. 62.

The opinions sent up by local Governments contain a number of plans for forming electorates, both for the University and for territorial areas, composed of all graduates or of graduates of five or ten years' standing, or of Masters of Arts and holders of higher degrees. An electorate made up of graduates would be very popular with the educated middle class, but it would be very impressionable and rather unaccountable, and we certainly ought not to propose it at present. The Senates are in possession; they have done well on the whole; and they are far better qualified to represent the interests of the University, which is the object in view, than an electorate of graduates or one composed of the Senate and the graduates, or some of them, in which the latter would certainly preponderate and would give the constituency a strong political tendency. But I shall

I think we should retain the Senates until they are proved to be inadequate. I doubt whether any strong objection will be taken to them.

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not be surprised if, when our proposals become known, a movement is set on foot to make the University electorate more popular by bringing in as many graduates as possible. When the Universities Act of 1904 was passed we were charged, by Mr. Gokhale and others, with "officialising the Universities." If that cry is revived, it will take the form of condemning the present Senates as electoral bodies, on the ground that 80 per cent. of their members are nominated, and a large proportion are actually officials. The annexed statement gives the actual composition of the present Senates. It will also be alleged that the members of the unreformed Senates were Fellows for life, and therefore were more independent of Government influence than the present Fellows, who hold office only for five years.

Universities Act, section 6.

8. In his note of 27th May 1892 Sir Charles Elliott referred to the proposal of Sir George Chesney's Committee that a candidate for election to the Second Division of the Chamber should have an annual income of not less than

QUALIFICATIONS OF MEMBERS.

Rs. 5,000, and should reside, or own immoveable property of an annual value of Rs. 5,000 in the electoral circle for which he is to sit, and that Government should have power to lay down certain disqualifications, such as having undergone a sentence of imprisonment. He therefore proposed :—

- (a) That a candidate must reside in the area which he represents. This was accepted by Lord Lansdowne and embodied in regulation VI. In the case of Municipalities residence in the district was admitted, in order to give greater freedom of choice, and because “the townspeople would be apt, if left to choose among themselves, to select a legal practitioner”.
- (b) That he must have an income of Rs. 5,000 a year. Lord Lansdowne, agreeing with Sir Auckland Colvin, saw no necessity for a property qualification.
- (c) That he must know English. Lord Lansdowne, again following Sir Auckland Colvin, rejected this.
- (d) That he must not be a Government official, nor one who has been dismissed from Government service. On this Lord Lansdowne observed :—“I would exclude Government officials, but not dismissed Government officials *eo nomine*. An official dismissed many years ago might be unobjectionable; a man dismissed recently or for a flagrant offence could be objected to by the head of the department. This proviso is, I take it, directed at Surendra Nath Banerji.”
- (e) That he must not have been convicted of any crime for which he was punished by rigorous imprisonment. Lord Lansdowne wrote “I would omit this. Why assume that such persons will be elected? If they are, the Lieutenant-Governor can refuse to nominate them. We shall be able to ascertain by experience whether it is necessary to deal with such points in the rules.”

Pro., Oct. 1892,
P 49.
P. 7.

P. 62.

P. 13.

Pp. 7 and 23.

P. 24.

P. 29.

Pp. 32, 33.

The Bengal Government said nothing on the subject in its official letter of 12th September 1892, but Sir Charles Elliott wrote privately to Sir Philip Hutchins that he would be glad to have the condition excluding dismissed officials inserted in the rules. Sir Auckland Colvin demurred to the general discretion given by draft regulation IX as invidious and nullifying all the preceding regulations. He suggested that a precedent might be found in section 9, Act XIV of 1883, which disqualifies for membership of a Municipality any insolvent or a person who has been “convicted of any such offence or subjected by a Criminal Court to any such order as implies, in the opinion of the local Government, a defect of character which unfits him to be a member.” Lord Lansdowne regarded the question of disqualifying dismissed public servants as a very delicate one, and suggested that, if a disqualification already attached to such persons as candidates for other public employment, it might be possible to exclude them from the Councils under a formula already in existence. But on the face of it, he did not see why a dismissed public servant should be disqualified for the Council during the remainder of his life. It was shown that all the Municipal and District Board Acts contained sections disqualifying persons from membership on various grounds, and that the most recent Municipal Acts (Central Provinces, 1889 and Punjab, 1891) treated simple dismissal from Government service as a disqualification. Sir Philip Hutchins thought that in a Council which discussed Government measures the presence of a person dismissed by Government for dishonourable conduct was “likely to work far more mischief than on a mere Municipal Committee”. Sir Henry Brackenbury agreed, but doubted whether specific regulations on the subject were necessary as the head of the Government could refuse to accept the recommendation of an unsuitable person (draft regulation IX). Sir Alexander Miller, on the other hand, disputed the analogy drawn from municipal bodies; thought that Surendra Nath Banerji “would be a very useful addition to the Bengal Legislative Council”; and added that “Michael Davitt is at this moment a member, and certainly not the most objectionable member of the House of Commons.” His view was that disqualifications, if any, should be confined to (a) bankruptcy or insolvency, (b) conviction of some crime punishable with death or transportation for life and “perhaps” (c) conviction of a crime punishable with rigorous imprisonment, which had been

declared, prior to such conviction, to be of a disgraceful nature, such as to disqualify the convict for life from appointment to any public office. Eventually it was decided in Council that it was not expedient to lay down any disqualifications but that regulation IX, giving power to reject a person recommended, must be retained. This regulation was based on paragraph 6 of Secretary of State's Despatch of 30th June 1892. Sir Charles Elliot did not make use of it to reject Surendra Nath Banerjee and he actually started the enlarged Council of 1893, of which I was a member, with an official minority—8 officials against 10 non-officials. Three of the latter, however, were safe votes for Government.

P. 42.

Vide paragraph of this note.

Pros., June 1893, nos. 27-31.

The questions now for consideration are—

(1) Shall the existing regulation VIII be retained?

(2) If regulation VIII is struck out shall any grounds of disqualification for membership of a Council be laid down?

If the procedure of section 1 (4) of the Act of 1892 is retained and elected members are regarded as being recommended for nomination by the head of the Government, regulation VIII covers the entire ground and no disqualifying provisions are needed. This of course is the simplest solution. On the other

As I have said, I would adhere to Regulation VIII and lay down no rules of disqualification. We will no doubt be consulted as to disqualification if action in England renders it necessary.

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hand, if the elective principle is recognised, it will be necessary to provide for disqualification. In the case of the House of Commons the following persons

are disqualified for election or for sitting and voting as the case may be:—aliens, minors, lunatics, peers and judges, holders of offices under the Crown, sheriffs and returning officers, clergy, contractors, bankrupts, persons attainted, or adjudged guilty, of treason or felony, persons found guilty of corrupt practices. It has been suggested above that the simplest line for the Government of India to take in respect of the question as between nomination on recommendation and election will be to propose to retain the existing system, and to leave it to the Secretary of State and Parliament to decide whether election in the ordinary sense is to be recognised or not. In that case it will rest with those authorities to determine what grounds of disqualification are to be laid down in the regulations. The details ought clearly to be settled out here subject to the approval of the Secretary of State in Council.

Erskine May, *Parliamentary Practice*, pp. 28-35, 640, 656-9.

9. Regulation VII of the draft regulations circulated to local Governments in August 1892 provided that no person actually in the service of Government should be eligible for recommendation as a representative of any recommending body except a University. The idea underlying the exception was that a University might well hold that its best representative would be its Vice-Chancellor or some prominent scholar like Mr. Tawney, who might be officials. In their letter of 29th September 1892 Bombay took exception to this on the ground that under section 1 (3) of the Act any resident of India was eligible, and that a particular official would be an excellent representative of the Sind Zanindars. Lord Lansdowne thought that it might be better to disqualify officials from the outset. Sir Charles Lyall observed that the rule limiting the number of officials would practically preclude their recommendation, and that upon an emergency arising which would justify the executive Government in requiring him to vote in the manner desired by them, an official member recommended by a non-official constituency might be compelled to vote against the views of the body which he represented. In addressing the Secretary of State the Government of India rejected the Bombay view of the law, remarked that the position of an official member was inconsistent with that representative character which they desired to give to the non-official element, and submitted a draft regulation rendering officials ineligible as representatives of bodies or associations. The Secretary of State (despatch of 16th February 1893) agreed on the legal point but disallowed the regulation on the grounds, that it was not desirable at starting to restrict the power of recommendation, and that the particular restriction "might produce an erroneous impression as to the relations between the official classes and the population of the country at large." Looking to English precedents, it seems probable that, if rules as to disqualification are framed, officials will be debarred from election. If, however, the present system is maintained, no change need be made in the regulations. It is quite possible that in some provinces the Muhammadans may recommend an official. It would

ELIGIBILITY OF OFFICIALS.

Pros., August 1892, p. 158.

Pros., Oct. 1892, p. 55.

P. 13.
P. 19.

Pp. 66 and 76.

Pros., March 1893, nos. 139-152, p. 7.

Pros, June 1893,
nos 184-5.

**PLURAL RE-
COMMENDA-
TION.**

Pros, Aug 1892, p.
94-B

P 017.
Vide p 2 of this
note

then rest with the local Government either to reject the candidate, or, if need be, to make room for him by reducing the number of official nominees. This is what was done in Bombay in 1893 when the Sardars of the Deccan elected an official (a Hindu Assistant Collector) as their representative.

10. In the course of the discussions of 1892 Sir Philip Hutchins threw out the suggestion that an electoral body might be "allowed at its option to submit two or three names, either in the order of choice or bracketed, for nomination" by the head of the Government. Lord Lansdowne did not think this would be of much use from the Government point of view, while from the point of view of the constituencies "it would be regarded with jealousy." Sir Alexander Miller was in favour of the proposal. He wrote, "In order that the fourth point in His Excellency's summary should be brought out unmistakeably, so as to give full force not only to the recommendation of the 'electors', but also to the selection by the Government, I think that the 'electors' should be required to nominate at least two persons for each vacancy which is to be filled on their recommendation, and that the Government should give no reason for their selection of one rather than the other or others of them." He added that the Lord Mayor of London, the Roman Catholic Bishops in Ireland and Prussia, and

* He might also have mentioned the Sheriff of Calcutta. the Sheriffs of counties in England* were selected by this method. It was

P. 132.

decided in Council that one name only should be submitted. The reasons for the decision are not stated, but it is obvious that where groups of District Boards or Municipalities elect through delegates, each individual body having a delegate casting a number of votes which varies with population or income, the obligation to submit several names would introduce an additional complication into a system which is quite complicated enough already. The Punjab proposal that eleven cities should each submit the name of one candidate and that the Lieutenant-Governor should select two from among the entire number to represent the trading and industrial classes, is not exactly parallel to the suggestion of 1892, as each body will send up only one candidate. But in so far as it contemplates election combined with selection by the head of the Government it may be regarded as an advance on pure nomination, and might be mentioned among the methods noticed in paragraph 8 of Honourable Member's note on the Imperial Legislative Council. The series would then be (a) election by a regular electorate; (b) election through the recommendation of an association; (c) election of several candidates from among whom the Lieutenant-Governor would select one; (d) nomination pure and simple.

We would only complicate matters by recognizing plural recommendation. I think that the Punjab proposal referred to is bad

H A[DAMSON].

**REPRESENTATION OF
MUHAMMADANS.**

11. In paragraph 79 of my note on the Imperial Legislative Council I have referred to the general objection taken by the Hindus to Muhammadans having votes as landholders, and as members of Provincial Councils, in addition to votes in the special Muhammadan electorates. The Muhammadans, for their part, complain (paragraph 80) that the Government of India's scheme does not give them as many seats as their actual numbers entitle them to claim. On further consideration, I think both objections admit of being effectively answered. To the Hindus we may say that, if Muhammadans are excluded from the general electorates, they must receive in the special electorates a number of seats proportionate to their population. This would give them in the Imperial Legislative Council 7 seats, in Madras 2, in Bombay 5, in Bengal 4, in the Punjab 6, and in Eastern Bengal and Assam 10. In the United Provinces they would get 3 seats against 4 proposed by the local Government. It is of course out of the question to allot so many seats to the Muhammadans, but as against the Hindus we are entitled to make the most of the argument, so freely used by them, that representation should be proportionate to population. It is less easy to answer the Muhammadans. Paragraph 16 of the Government of India's letter of 24th August 1907 admits of being represented as undertaking to give them a measure of representation commensurate not only with their numbers but also with their political and historical importance. Where this would lead us it is impossible to say. But if the Muhammadans were told that they must either be content with the number of seats assigned to them, or must be excluded from the general electorates, I imagine that they would prefer the former alternative. In any case they get so much more than they have hitherto had that they have no real ground of complaint. After all, representation is not merely a matter of arithmetic.

12. I propose now to deal separately with the case of each Provincial Council, tracing its history from the discussions of 1892-93, examining the proposals now made, and making such suggestions as to its future composition as seem to be suitable from the point of view of the Government of India.

MADRAS

13. The Council as constituted under the rules at present in force stands thus:—

A.—The Members of the Executive Council	...	...	2
B.—The Advocate-General	...	...	1
C.—Nominated official members not exceeding	...	...	9
D.—Recommended by—			
(a) Corporation of Madras	...	...	1
(b) Municipal Councils of the 12 Northern districts	...	...	1
(c) Municipal Councils of the 10 Southern districts	...	...	1
(d) District Boards of the 12 Northern districts	...	...	1
(e) District Boards of the 12 Southern districts	...	...	1
(f) Chamber of Commerce	...	...	1
(g) Senate of University	...	...	1
E.—Nominated to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 <i>peshkash</i>	...	...	4
			—
	Total	...	23
	or, including the Governor	...	24
			—

There is not much to be said about this. In their letter of 3rd September 1892, the Government of Madras accepted the proposals of the Government of India as to the composition of the Council, the only important exception being that they wished the landholding representative to be nominated as in head E, instead of selected by an association of landholders. Their reason was that there was no cohesion in the only association of landholders then existing and that it would be difficult to get any prominent zamindar to come forward. The proposal was accepted. In replying to Lord George Hamilton's despatch of 15th September 1898 enquiring whether the enlarged Councils represented all important interests, whether the professional class, and specially the legal profession, had an undue preponderance, and whether the landowning classes ought to receive a larger proportion of nominations, the local Government said that all important interests were represented as far as possible, that the regulations had worked well, and that they called for no material amendment. Sir Arthur Lawley, in his letter of 23rd September 1906, takes a very different view, holding that the lawyers and professional classes have been greatly over-represented. His opinion is confirmed by the figures given on page 657 of Vol. II of the Council papers which show that 66·6 per cent. of the elected members have been barristers (3·7), pleaders (55·5) and school-masters (·4).

Pros., Nov 1898,
nos. 112 121.

Pros., July 1899,
nos. 16-21.

Vol. I, p. 50.

14. In the memorandum without date, a copy of which is annexed to their letter of 13th March 1908, Madras invited remarks on the scheme there "suggested as suitable to the Madras Presidency." This scheme contemplates "selection" by bodies (the Chamber of Commerce and the University), classes (lawyers, zamindars and citizens of Madras), castes and religions (Brahmans, Muhammadans and Christians), and "all others," subject to certain property qualifications. It is based on a misunderstanding of the intention of paragraph 22 of the Government of India's letter; it withdraws the franchise from district boards and municipalities, ignoring the express pledge given in paragraph 21 of that letter; and it is open to the objections summarised on pages 21-22 of the précis. It is not surprising that it has been received with "general and decided disapprobation." Of the enormous mass of opinions sent up by Madras, a large part consists of indignant protests against class and caste representation, and it seems probable that this ill-advised proposal has done much to prejudice people against the entire scheme of Council reform.

'Enclosures, pp 201-204.

This is undoubtedly true.

H. A. [DAMSON].

15. Putting aside the scheme which they themselves propounded as suitable, and also the schemes put forward by Mr. Rajaratna Mudaliyar and Mr. Sivaswami Aiyar, Madras propose a Council constituted as follows :—

Members of Executive Council	...	...	...	2
Advocate-General	...	...	...	1
Other official members	...	...	...	14
Elected by district boards and municipalities voting separately in two groups of districts	...	...	...	4
Elected by the Chamber of Commerce	...	...	...	1
Elected by the University	...	...	...	1
Elected by the Corporation of Madras	...	...	...	1
Elected by the Muhammadan community	...	...	...	1
Elected by the General Assembly, if approved by the Government of India.				2
Nominated from classes or interests unrepresented or insufficiently represented.				6
			Total	33
or, including the Governor	...	...	..	34

For the Muhammadans the following electorate is suggested :—

(a) Muhammadans having an income of Rs. 500 from land	...	521
(b) Muhammadans paying income-tax on Rs. 2,000	...	787
(c) Graduates of the Madras University of more than five years' standing.		64

Total	...	1,372
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16. The scheme appears to me to be open to the following objections—

- (1) It proposes too small a Council.
- (2) It gives insufficient representation to the educated classes who are elected by district boards and municipalities.
- (3) It retains the clumsy and inconvenient system of election by large groups of district boards and municipalities—two groups of each for the entire presidency.
- (4) It gives no separate seats to the landholders, who, together with the planters, are apparently to be provided for by nomination.
- (5) It gives the Muhammadans only one member.
- (6) It makes no provision for Indian commerce.
- (7) It reserves two seats for election by the “General Assembly, if approved by the Government of India”—a plan which Madras have since abandoned.

I will now examine these points in the light of the local opinions.

SIZE OF THE COUNCIL.

17. The size of the Council, as proposed by Madras, is determined by the number of officials available. The local Government say that in addition to the Governor, the members of the Executive Council, and the Advocate General, only 14 officials of the requisite standing and experience can be spared for attendance at the Council without detriment to the public services. With 18 officials, including the Governor, they find it impossible to raise the number of non-officials above 16, although in their published scheme referred to above they provided for 17 non-official seats. Among the non-officials consulted by Madras many of the best considered opinions are in favour of enlargement. Mr. Rajaratna Mudaliyar proposes a council of 49 (excluding the Governor) composed of 25 officials, and 24 non-officials, 15 of the latter to be elected by groups of districts; and Mr. Krishnan Naiyar would also enlarge the Council on the basis of a member for each district, besides representatives of land, commerce, the University, and special interests and minorities. This would give a Council of about 60.

Mr. Krishnaswami Aiyar outlines two councils, one of 48 with only 12 officials and another of 41 or 42 with 23 officials. He shows that, in addition to the members of the Government, the officials noted in the margin might be appointed to the council. Other opinions in favour of enlargement are those of Govinda Raghava Aiyar (p. 53), Srinivas Rao (p. 54), Vijiaraghava Chariar (p. 54), the fourth member of the Board (p. 55), the Administrator-General (p. 57), the People's Association, Madura (p. 58), the Zamindar of Vizianagram (p. 59), Venkatakrishnaya (p. 60), Tinnevely district (p. 64), Swaminatha Vijaya Teedar, and Chidambaranatha Mudaliyar (p. 66), Guruswami Aiyar (p. 70), Venkata Rao (p. 71), Tinnevely public meeting (p. 71), Narasinha Charlu (p. 73), Vijayaraghava Chariar and Venkatarama Aiyar (p. 74). It is clear from the list given by Mr. Krishnaswami Aiyar that there is no real difficulty in finding enough officials to warrant the appointment of more than 16 non-officials to the council. Indeed, my own examination of the Civil List suggests that there are in Madras about 30 officials who might not unsuitably be appointed to the council. I conclude, therefore, that so far as the official majority is concerned there is no reason why the council should not be substantially larger than Madras proposes.

Board of Revenue	...	...	4
Secretaries	...	...	4
Heads of departments	...	...	5
Advocate General	...	...	1
Sanitary Commissioner	...	...	1
Collector of Madras	...	...	1
President, Municipality	...	...	1
Collector of Customs	...	...	1
Administrator General	...	...	1
Director of Industries	...	...	1
Total	...	...	20

(p. 59), Venkatakrishnaya (p. 60), Tinnevely district (p. 64), Swaminatha Vijaya Teedar, and Chidambaranatha Mudaliyar (p. 66), Guruswami Aiyar (p. 70), Venkata Rao (p. 71), Tinnevely public meeting (p. 71), Narasinha Charlu (p. 73), Vijayaraghava Chariar and Venkatarama Aiyar (p. 74). It is clear from the list given by Mr. Krishnaswami Aiyar that there is no real difficulty in finding enough officials to warrant the appointment of more than 16 non-officials to the council. Indeed, my own examination of the Civil List suggests that there are in Madras about 30 officials who might not unsuitably be appointed to the council. I conclude, therefore, that so far as the official majority is concerned there is no reason why the council should not be substantially larger than Madras proposes.

18 I need not elaborate the proposition that, in the case of the provincial councils, the district boards and municipalities are the constituencies which usually elect members of the educated classes. The statements printed in volume I of the Council papers, pp. 57-68, show that from 1893 to 1906 the four seats assigned to these bodies were filled by Hindu pleaders, with the exception of the years 1893 and 1894 when one seat was occupied by Mr. Sabhapati Mudaliyar, a Hindu cotton merchant, who however, as Sir Harold Stuart tells me, belonged to the educated middle class. Now throughout the opinions sent up by all the local Governments, and in all the Hindu newspapers, the complaint is constantly made that the whole scheme of reform is directed against this class and has been devised for the purpose of counteracting their influence by bringing in other elements. The Madras scheme does nothing to meet this allegation; on the contrary the charge is justified by the proposal to leave the representation of the educated class exactly its present strength, while the Council is enlarged by adding a Muhammadan member, giving two members to the General Assembly, and raising the number of nominations from 3 to 6. It retains moreover the unsatisfactory system under which the local bodies of ten or a dozen districts all vote together by means of delegates.

19. In the papers sent up there is a considerable body of opinion in favour of giving more seats to district boards and municipalities. Mr. Rajaratna Mudaliyar would give them 15 seats in five groups of districts, and would require each group to return three candidates, one for commerce, one for land, and one for other professions. The Corporation of Madras suggest the extension of election by these bodies, but make no specific proposal. Mr. Krishnaswami Aiyar proposes in one place 23 members, one for each district, and in another 10 members, to be elected by the local bodies of two or three adjoining districts. Mr. Govinda Raghava Aiyar proposes 11 members to be elected on a similar system. Mr. Srinivasa Rao would give 8 seats to municipalities and 8 to taluka boards, both to vote by groups of districts, and would deprive district boards of their votes. The Board of Revenue would assign 8 members to an electorate consisting of the entire body of members of district and taluk boards and municipalities, voting by two groups of districts, northern and southern, as at present. Mr. Twigg makes a similar but more complicated proposal. An objection to including taluk boards is that their members are at present nominated, though Madras (p. 23 of the large print précis) propose to alter this. The Administrator General is for giving 12 members either to local bodies voting by four groups of districts, or to a special electorate consisting of persons possessing an annual income of Rs. 25,000. The People's Association, Madura, suggest a member for each of the 23 districts, to be elected by district boards and municipalities voting together.

Précis, p. 50.

P. 50.

Pp. 52-53.

P.

P. 54.

P. 55.

P. 56.

P. 57.

**REPRESENT-
ATION OF
THE EDUCA-
TED CLASSES.**

P. 58.
P. 58.
P. 62.
P. 60.
P. 67.

Mr. Fischer and Mr. Graham, Collector of Bellary, would give 10 members to local bodies voting together in certain groups of districts. Mr. Venkata Krishnaya and Mr. Butterworth, Collector of Trichinopoly, suggest 11 and 12 seats, respectively, on a similar system. The Raja of Pithapuram proposes 10 seats for 5 groups of districts, in each of which the district boards and municipalities would elect one member apiece.

20. After discussing the question with Sir Harold Stuart, I am disposed to adopt his suggestion that 8 members should be elected by district boards and municipalities voting separately by four groups of districts arranged as follows:—

Northern group. Language mainly Telugu.	{	Ganjam	...	...	...	2,010,256
		Vizagapatam	...	...	...	2,933,650
		Godavari	...	...	...	1,342,342
		Kistna...	...	...	...	1,847,757
		Guntur	...	...	...	1,490,635
Total						9,624,640		
Deccan and East Coast group. Languages Telu- gu and a little Tamil.	{	Kurnool	...	...	...	872,055
		Bellary ...	...	...	...	947,214
		Anantapur	...	...	...	788,254
		Cuddapah	...	...	...	1,291,267
		Nellore ...	...	...	...	1,272,815
		North Arcot	...	...	...	2,207,712
Southern group. Language wholly Tamil.	{	Chingleput	...	...	...	1,312,122
		Total						8,691,439
		Southern group. Language wholly Tamil.	{	Salem	2,204,974
				South Arcot	2,349,894
				Trichinopoly	1,444,770
				Tanjore	2,245,029
Madura...	...			...	...	2,831,280
Tinnevely	...			...	...	2,059,607
Total						13,135,554		
West Coast. Language Malayalam and Canarese, with some Tamil, in Coimbatore.	{	Coimbatore	...	...	...	2,201,752
		Nilgiris	...	...	...	111,437
		Malabar	...	...	...	2,800,555
		South Canara	...	...	...	1,134,713
Total						6,248,457		

These groups correspond substantially to the Natural Divisions adopted for the purposes of the last Census Report. The proposal doubles the present scale of representation, and ought to satisfy the educated classes. We cannot give them more without either increasing the size of the Council or leaving other interests imperfectly represented.

21. As I have noted above, the Madras scheme makes no provision for the separate representation of the landholders. This is the more surprising, as in their proposals regarding the Imperial Legislative Council the local Government have been at some pains to devise a special landowning electorate. Moreover the scheme of a provincial council which they published for criticism assigned two seats to zamindars and other landholders, and laid down qualifications for the electorate which, I observe, are much higher than those suggested by them in the case of the Imperial Council. The omission of the landholders from the proposal now made is especially unfortunate in that it has resulted in the opinions received being given under a false impression as to the intentions of the local Government. If the landowning community had realised that the two elective seats assigned to them in the published scheme were to be taken away, and their interests left to be represented by nomination, I imagine that they would have protested with one voice against the withdrawal of a proffered concession. Even as it is, while some of them are content with the two seats they suppose to be promised them, others demand a larger number. The fourth member of the Board of Revenue would give landholders four seats; while the third member allots two to the zamindars and large landholders, and four (two north and two south) to the landed interest in his plan for class representation through district boards and municipalities. The Administrator General proposes four seats; Mr. Fischer three, distributed among zamindars, ryotwari landholders, and ryots; the zamindar of Vizianagram wants five, and the zamindar of Surangai four. The Chairman of the Parlakimedi Municipality assigns four nominated seats to Uriya, Tamil and Telugu zamindars and the janmis of Malabar, Mr. Venkata Krishnaya, a pleader and landholder, asks for five seats for middle class landholders and one for zamindars; Mr. Graham, Collector of Bellary, would give five seats to landowners paying a certain minimum sum as land cess; and Mr. Rice, Collector of North Arcot, makes a somewhat similar suggestion. Mr. Wynch, Collector of Tinnevely, provides, by a complicated method of rotation, for four landholding seats; Mr. Chidambaranatha Mudaliyar gives five seats to landholders paying Rs. 2,000 revenue and two to zamindars; and Mr. Peryaswami Muthya Udayar, a *mirasidar* of Tanjore, suggests that 25 per cent of the non-official members should be recruited from landholders, two seats being reserved for zamindars.

22. Enough has perhaps been said to establish a case for giving some separate representation to the landowning class in Madras. The interests to be considered are (1) zamindars paying *peshkash*, which was, I believe, fixed in many cases as a sort of tribute and not calculated on the assets of the estates; (2) holders of *inams shotriems*, etc., paying quit-rent; (3) holders of ryotwari land; (4) tenants under zamindars and other proprietors. I do not think it would be possible to make separate provision for each of these interests, but the plan proposed by Madras for the election of a landholding representative of the Presidency on the Imperial Legislative Council indicates in a general way the lines on which the question might be dealt with. I suggest that for the purpose of representing the landowners the Presidency should be divided into the four groups of districts already proposed in the case of municipalities and district boards; that each of these groups should have one member; and that in each an electorate should be formed, based upon assessment or rental, in such a manner as to give fair proportional representation to the various classes of landholders. Sir Harold Stuart agrees in this view. The electorate proposed by Madras for the Imperial Legislative Council is probably quite suitable for the whole Presidency, but if election is to go by groups of districts the monetary qualification should be reduced so as to bring in a larger proportion of zamindari tenants.

23. Madras have sent up no opinion from any planters' association and it may perhaps be assumed that the planters themselves are content with the present system under which a planter has been nominated to the Council in

REPRESENTA-
TION OF
LAND-
HOLDERS.

Large print précis,
p. 15.
Enclosures to
letter of 13th March,
p. 203.

Madras Landhold-
ers' Association,
p. 50.
Maharaja of Bo-
bili and Raja of
Venkatagiri, p. 51.
Zamindars of
Serugada, Kallikote
and Dharakota,
p. 59.

P. 55.
P. 56.
P. 57.
P. 58.
P. 59.
P. 60.
P. 60.
P. 62.
P. 62.
P. 63.

P. 66.
P. 66.

Large print précis,
p. 15, and the
Madras letter no.
428 of 22nd May.

REPRESENTA-
TION OF
PLANTERS.

Vol. I, pp. 57—68.
 Précis, pp 51 and 76,
 52—54.
 P. 61.

every year since 1893. The Raja of Malabar and Mr. Gahan propose that the planters of Southern India should elect one member from among themselves. Mr Krishnaswami Aiyar, Mr. Govinda Raghava Aiyar and Mr. Srinivas Rao would give one seat to a recognised association or associations; and Mr. Shipley is in favour of election. We may leave it to Madras to settle how the planters' representative should be appointed. They will doubtless consult the leading associations.

**MUHAM-
 MADAN
 REPRESENTATION.**

P. 55.

P. 72.

P. 55.
 P. 57.
 P. 63.
 P. 60.
 P. 60.
 P. 69.
 P. 61.
 P. 64.
 P. 74.
 P. 69.
 P. 69.

24. The scheme proposed by Madras gives only one seat to Muhammadans, who number 2,477,610, or 6.42 per cent. of the population. This would entitle them to $1\frac{1}{2}$ members out of twenty-three, a proportion which may fairly be taken at two. The general tendency of the Hindus is to allow Muhammadans either one seat or none at all. But Raghunatha Rao, ex-Minister of Indore, assigns to them 8 members (one-fourth of the number which he allots to Hindus), to be elected in the districts where they are most numerous; and Mr. Adimurti Rao, Chairman of the Anantapur Municipality, would reserve for them two seats by nomination. Mr. Fischer makes the same suggestion as Mr. Rao. Among officials the Board of Revenue would give them two elected seats and the fourth member four; Mr. Gillman, Collector of Madura and Mr. Wynch, Collector of Tinnevely, propose two nominated members, and Mr. Pantalu Garu, Deputy Collector of Ganjam, two elected members. Of the Muhammadans themselves Mr. Aziz-ud-din, Collector of South Canara and the Prince of Arcot suggest two seats, one by election and one by nomination; Muhammad S'Chamnad Sahib, Ammu Sahib, and the Kazi of Nellore ask for three elective seats; the Honourable Nawab Saiyid Muhammad suggests two, both elective; and Ghulam Muhammad three, one nominated "from among the historic aristocracy" and two elected. I think there is a good case for giving the Muhammadans two elective seats. Whether these should be assigned to the North and South of the Presidency, or distributed among groups of districts by rotation, is a matter for eventual discussion with Madras. The latter method seems worth considering. Electoral areas comprising ten or twelve districts are apt to be unwieldy, and the group system might be arranged with reference to the distribution of the Muhammadan population.

**REPRESENTATION OF
 INDIAN COMMERCE.**
 P. 49.

Large print précis,
 page 22.

P. 50.

P. 56.

P. 74.

25. The Madras letter makes no mention of Indian Commerce, but it may be assumed that this interest was taken into account in determining the six seats reserved for nomination. Mr. Rajaratna Mudaliyar's scheme assigns 5 seats to commerce and industry, to be filled by election by district boards and municipalities on the rather complicated system which Madras find "not altogether unattractive". The Madras Chamber of Commerce propose that Nattu Kottai Chettis, the principal trading class, should have one elected member. Mr. Twigg would give commerce two members to be elected by one of the two alternative methods described by him. Mr. Venkatarama Aiyar suggests that one member should be elected by the Indian Chamber of Commerce and Indian trades association. No one else refers to the subject.

26. I think it is pretty clear that Indian Commerce ought to have one member, and cannot have more than one. The method by which the member should be selected is indicated in paragraph 3 of Hon'ble Member's note of 17th July 1908 on the Imperial Legislative Council. At first he would be nominated by the Governor, but it would be explained that this was a provisional arrangement, and that suggestions for introducing some more popular system, such as election by associations, or election by a commercial constituency based upon payment of income-tax, joint stock capital, municipal trade licenses, etc., would be considered on their merits.

27. The disappearance of the General Assembly leaves us with two more seats to dispose of, but it is possible that Madras may propose that a member or two should be elected by the new Provincial Advisory Council which they are now considering.

28. For the reasons given above, I suggest a Council constituted as follows :—

A.—Members of the Executive Council	...	...	...	2
B.—Advocate General	...	...	...	1
C.—Other <i>ex-officio</i> Members	...	...	...	5*
D.—Nominated Members, not less than six to be non-officials, one of whom should represent the planting community and one Indian commerce.				20
E.—Elected members—				
(a) By the Chamber of Commerce	...	...	...	1
(b) By the University	...	...	...	1
(c) By the Corporation of Madras	...	...	...	1
(d) By District Boards in 4 groups of districts	...	...	...	4
(e) By Municipalities in 4 groups of districts	...	...	...	4
(f) By landholders in 4 groups of districts	...	...	...	4
(g) By Muhammadans	...	...	...	2
				—
				45
or, including the Governor	...			46
				—

29. On this Council there would be 22 officials and 23 non-officials, so that in the event of a really close division the Governor's two votes would turn the scale. The educated classes would have 10 certain seats† and would probably also carry one or two of the landholding constituencies. Many pleaders in Madras have considerable ryotwari holdings.

† District Boards	...	...	4
Municipality	...	...	4
University	...	...	1
Corporation	...	...	1

30. I have shown the five secretaries as "other *ex-officio* members." They must be on the Council in order to reply to questions and carry on the Budget discussions, and they will not be appointed merely for the purpose of voting. It is reasonable therefore to place them in a separate category. I am not sure that the members of the Boards of Revenue, or at any rate three of them, ought not also to be treated as *ex-officio* members. Supposing no additional officials to be appointed, the Council would number, including the Governor, 32*—9 officials and 23 non-officials. In order to equalise the numbers on a division and enable the Governor's casting vote to be used, seven non-officials would have to vote with the Government. The representatives of the Chamber of Commerce and the planters could probably be counted on, but five more votes would be required, and it is doubtful whether these could always be secured. The question, however, is one for the local Government to settle for itself from time to time with reference to the composition of the Council and the business in hand.

* 46—4, the number of officials included under head D.
 † Chief Secretary, Revenue Secretary, Municipal Secretary, Public Works Secretary, Irrigation Secretary
 Sir Harold Stuart reminds me that the Municipal Secretary is now also Secretary to the Council. It is certain, however, that the enlarged Council must have a whole-time Secretary of its own. I am also indebted to Sir Harold Stuart for the following list of officials who might be appointed to the Council :—

Members of Board	...	...	...	...	4
Inspector General of Police	...	...	...	...	1
" Jails	...	...	...	...	1
Surgeon General	...	...	...	...	1
Sanitary Commissioner	...	...	...	...	1
Collector of Madras	...	...	...	...	1
President of Municipality	...	...	...	...	1
Government Solicitor	...	...	...	...	1
Administrator General	...	...	...	...	1
Inspector General of Registration	...	...	...	...	1
Director of Public Instruction	...	...	...	...	1
Post Master General	...	...	...	...	1
Collector of Customs	...	...	...	...	1
Collector of Chingleput	...	...	...	...	1
					—
Total	...	...	...	...	17

I doubt whether the enlarged Council will require a whole-time Secretary. The bulk of legislation will not be increased.

H. A[RAMSON].

BOMBAY.

31. Under the Act of 1892 and the regulations now in force the Bombay Legislative Council is constituted as follows :—

A.—The Members of the Executive Council	...	...	2
B.—The Advocate General	...	...	1
C.—Nominated official members not exceeding	...	...	9
D.—Recommended by—			
(a) The Corporation of Bombay	...	...	1
(b) The Bombay Chamber of Commerce	...	...	1
(c) The Municipalities of the Northern Division*	...	...	1
(d) †The District Boards of the Central Division*	...	...	1
(e) The District Boards of the Southern Division*	...	...	1
(f) The Bombay University	...	...	1
(g) The Sardars of the Deccan	...	...	1
(h) The Zamindars of Sind	...	...	1
E.—Nominated to represent different classes of the community	...	...	3
	Total	...	23
or, including the Governor	...	...	24

Including the Governor, this provides for 13 officials and 11 non-officials. But Bombay, as is shown in paragraph 14 of their letter, have now a Council consisting of 10 officials (including the Governor) and 14 non-officials. For all ordinary purposes this is safe enough, as the Government can probably reckon with certainty on the support of Mr. Armstrong (Bombay Chamber of Commerce), W. Webb of Karachi, and Dr. Bhandarkar. Two non-official votes would be sufficient to equalise the numbers on either side, and the Governor's casting vote would then be decisive. The discussions of 1892-93 contain nothing of special interest except the Bombay decision of 5th May 1893 that lay Sardars of the Deccan should be permitted to vote if they desired to do so. In his letter of 3rd October 1906, Lord Lamington mentioned as defects in the composition of the present Council (a) the over-representation of Bombay city; (b) the over-representation of the legal profession; (c) the under-representation of land and agriculture; (d) the preponderance of Brahmans, whose interests were not identical with those of the mass of the Marathas and other castes. The Bombay letter of 12th April 1899 says much the same. The statistics from 1893 to 1906 show that the educated middle class obtained 50·7 per cent. of the elective seats,—barristers 9·9, pleaders 38, and school-masters 2·8 per cent.

32. Bombay put forward two alternative schemes, a smaller and a larger one. The smaller, which has the support of a majority of the Executive Council, is as follows :—

Smaller scheme (A).

Members of the Executive Council	...	...	...	2
Advocate General	...	...	...	1
Nominated by Government—				
Official	...	...	...	9
Non-official (from special communities)	...	...	...	15
Nominated on the recommendation of—				
Bombay Chamber of Commerce	...	...	1	} European Commerce, 3.
Karachi Chamber of Commerce	...	...	1	
Mill-owners' Associations of Bombay and Ahmedabad alternately.	...	...	1	

* Voting by electoral representatives on a population scale. *Vide* notification of 9th March 1895, copy annexed.

† Up to January 1896 the Karachi Chamber of Commerce had a seat and the Central Division was held to be sufficiently represented by the Sardars of the Deccan. This caused discontent among the Poona politicians and the Karachi seat was transferred to the District Boards of the Central Division.

Bombay Corporation	1	} Educated class, 10.
Municipalities in Sind	...	...	...	1
Ditto in Northern Division	...	...	...	1
Ditto in Central Division	...	...	...	1
Ditto in Southern Division	...	...	...	1
District Local Boards in Sind	...	...	...	1
Ditto in Northern Division	...	...	...	1
Ditto in Central Division	1	} Landowners, 3.
Ditto in Southern Division	...	...	...	1
Bombay University	...	...	...	1
Sardars of Gujarat	1	} Indian Commerce 1.
Sardars of the Deccan	...	...	...	1
Zamindars of Sind	1	
Native Merchants' Association	1	
Total				44	Non-officials 17 elected + 15 nominated = 32.
or, including the Governor	45	

33. The advantages of this scheme are—

- (1) That it gives adequate representation to European commerce and industry (three members), restores to the Karachi Chamber the seat taken away from it in 1896 (not, as Bombay incorrectly say, in 1892), and recognises the mills.
- (2) That it gives Indian commerce one member, to be elected by an association of native merchants.
- (3) That it assigns eight seats to the educated classes through the district boards and municipalities, in addition to the members for the University and the Corporation, so that these classes will get ten out of seventeen elective seats, and may get more by nomination
- (4) That it gives three seats to the landholders.

34. On the other hand it has two conspicuous defects :

- (a) It provides (including the Governor) for only 13 official members, 4 *ex-officio* and 9 nominated.
- (b) It assigns no separate seats to the Muhammadans.

35. I find it difficult to make out by what process of reasoning Bombay have arrived at the conclusion that in the Council proposed by them the Government majority would be "reasonably secure". The case of the present Council is not parallel. With 10 official votes out of 24, two non-official votes will equalise the numbers and bring in the President's casting vote. But if there are only 13 officials against 32 non-officials, you want ten non-official votes to make up a Government majority. However discreetly nominees may be selected from "special communities," I doubt whether the Government can rely upon the steady support of ten non-official members. If they cannot, they will always be liable to have their bills mangled in detail; their budget proposals rejected or modified, and embarrassing resolutions carried against them, or, which is perhaps worse, in order to avoid these inconveniences they will have to use influence and play upon opposing interests within the Council in the way Sir Henry Harrison did when he was Chairman of the Calcutta Corporation. His manipulation of the factions in that body was surprisingly clever, but it was not always edifying, and if similar methods were employed by a Government there would soon be a great scandal. The position now taken up by Bombay is the more difficult to understand in view of the fact that two years ago, in his letter of 3rd October 1906, Lord Lamington proposed the following Council—

Vol. I, p. 72.

Members of Council	...	...	...	2
Advocate General	...	...	...	1
Nominated officials...	...	...	...	14
Elected non-officials	...	...	...	13
Nominated non-officials	...	...	...	3
Total				33
or, including the Governor	...	...	...	34

* Counting the
Advocate General as
an official.
Vol. I, p. 73.

This gives 18 officials* against 16 non-officials. In explaining his views Lord Lamington said, "It seems to me essential to provide against the possibility of Government being outvoted, and as they cannot absolutely count upon a single non-official vote, and even the Advocate General is occasionally in opposition, I regard it as of the utmost importance that, for every additional elective member, Government should have the power to nominate one more official." His letter seems to have been written in consultation with his Council, of which Mr. Muir Mackenzie was then a member, and I do not understand how the latter can have concurred in the proposal now made. The Bombay letter, however, touches on the subject rather lightly, and it is possible they may have thought the matter out more carefully than their paragraph 17 suggests.

36. The non-official opinions do not throw much light on the question, but so far as they go, they hardly support the Bombay proposal. Putting aside the fanciful scheme of the President of the Broach Municipality, and the incomplete proposals of a public meeting at Ahmednagar, of the Ahmednagar Municipality, and of Mr. Parekh, none of which touch the question of an official majority, though they do not exclude it, I observe that Mr. Joglekar provides for an official majority, and that the Bombay Presidency Association, by admitting 36 nominated members who may be either officials or non-officials, practically concede the point.

37. As a matter of principle I think Bombay ought not to be allowed to form a Council in such a manner as to deprive themselves of the power of obtaining an official majority when the occasion requires one. Owing to the mixture of interests among the educated classes in Bombay and their high level of practical intelligence, the local Government may be able to get on better without a majority than would be possible in Bengal. But they must have the power in reserve. If they have not that power, they will be dependent on their nominated members, and will be tempted to nominate men who can be counted on to support them, rather than genuine representatives of minorities and special interests. They will, moreover, as I have pointed out in noting on the Imperial Legislative Council, be virtually independent of the Government of India.

REPRESENTATION OF
MUHAMMADANS

Pp 24-25.

38. The local Government say that the Muhammadans are widely scattered over the Presidency and are at present unorganized for the purposes of common action, so that they can only be represented by careful nomination. The Commissioners hold the same view, and recommend that Muhammadans should be given 3 nominated seats, though their scheme only provides two. Among the Hindus Mr. Thackersey objects to separate representation on the ground that the Muhammadans are intelligent enough to take care of themselves; Mr. Joglekar makes no separate mention of them in his scheme; the Ahmednagar meeting and the Municipality would give them one seat; while Mr. Parekh objects to religious representation on principle, and would leave Muhammadans to take their chance with the district electorates which he proposes. On the other hand, the President of the Broach Municipality thinks that as many Muhammadans should be appointed as would bring the total number elected and nominated up to 8; and the Presidency Association assigns to them 4 out of 36 elected members, one for each division, including Sind. Of the Muhammadans Mr. Ghulam Muhammad Munshi demands 7 seats for the Muhammadans of the Presidency, excluding Sind; Mr. Kazi Kabir-ud-din asks for six members in the same area, four elected and two nominated; and the Aga Khan suggests five, one for each division, including Sind, to be elected by persons paying a high income-tax or being university graduates, and one for Bombay City, where the income tax qualifications should be doubled and only Masters of Arts should vote. Mr. Ibrahim Rahimtoola complains that Bombay have published no specimen scheme of a Council, and says that the Muhammadans of Bombay City should have "nothing short of two elective seats," and that the Muhammadans of the mofussil should be adequately represented.

39. The opinions seem to indicate that nothing but separate representation will satisfy the Muhammadans, and that they resent the idea of nomination. The Aga Khan's opinion on the Imperial Legislative Council states the latter point strongly. I suggest that they should be given three seats, one for Sind and two for the presidency, and that Bombay should be asked to consider whether an electorate can be formed; or, if that is not possible at present, whether associations can be utilised for the purpose of proposing members.

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40. So far as the number of seats is concerned, I think the Bombay proposal regarding the landholders may be accepted. It gives them as many seats as any one proposes for them, except the President of the Broach Municipality, who suggests 7. The question of an electorate has, however, to be considered. In the case of the Sardars of the Deccan and the zamindars of Sind electorates have already been constituted by the Bombay Notification of 9th March 1895. I cannot see why there should be any difficulty in forming an electorate on somewhat similar lines for Gujarat. It should be noted, however, that in 1893 Mr. Nugent, as quoted by Lord Lamington in the letter already referred to, thought that the talukdars of Gujarat had not "the remotest claim to return a member to the Council."

REPRESENTATION OF LANDHOLDERS
P. 25

Vol. I, p. 73.

41. As I have noted above, the representation given by Bombay in their smaller scheme to the educated classes seems sufficiently liberal. It is true that Mr. Parekh and the Bombay Presidency Association ask for 22 members at the rate of one per district, elected by municipalities and district boards. In their larger scheme (B) Bombay attempt to meet this demand by allotting 20 members to districts. But it is impossible to concede the point without raising the total strength of the Council beyond the limit determined by the number of available officials, and the Bombay proposal, after all, gives one member more than is suggested by the President of the Broach Municipality under this head.

REPRESENTATION OF THE EDUCATED CLASSES.
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42. Assuming the above suggestions to be accepted, the Council would be constituted as follows:—

Members of the Executive Council	2	
Advocate General	1	
Nominated by Government—				
Official members	19	
Non-official members (from special communities)	3	
Elected by—				
Bombay Chamber of Commerce	1	} European Commerce, 3.
Karachi Chamber of Commerce	...	...	1
Mill-owners' Associations of Bombay and Ahmedabad alternately ...	...	...	1
Bombay Corporation	...	...	1
Municipalities in Sind	1	} Educated class, 10.
Do. in Northern Division	...	...	1
Do. in Central Division	...	...	1
Do. in Southern Division	...	...	1
District Local Boards in Sind ..	...	...	1
Do. do. in Northern Division	...	...	1
Do. do. in Central Division ..	...	...	1
Do. do. in Southern Division	...	...	1
Bombay University	1	} Muhammadans, 3.
Muhammadans ...	...	...	3
Sardars of Gujarat	1	} Landowners, 3.
Sardars of the Deccan	...	...	1
Zamindars of Sind	...	...	1
Native Merchants' Association	1	} Indian Commerce, 1.
Total	45	Non-officials 20
or, including the Governor	46	elected + 3 nominated.

43.* It is useless to discuss the larger scheme for a Council of 57 members unless we are prepared to abandon the principle of an official majority. In order to counterbalance 29 non-officials, 28 officials (24 in addition to the members of Government and the Advocate General) would have to be appointed, and it is doubtful whether so many could be found. In fact, more than 28 would be needed, for there must be some nominated non-officials, and the Council would have to be enlarged to 65 or more if an official majority were provided. Moreover, if we admit representation by districts in Bombay, it will be demanded by other provinces, such as the United Provinces where there are 48 districts and the system would be quite unworkable. It may be inferred from the statement, that a majority of the Bombay Council prefer the smaller scheme, that they are opposed to the larger one, which appears to have emanated from the Governor himself.

Large print précis,
P. 25.

BENGAL.

44. The Bengal Legislative Council now stands thus :

Official members ...	...	...	...	...	10
Recommended by—					
Corporation of Calcutta ...	...	...	...	...	1
Municipalities (by rotation) ...	...	...	...	...	1
District Boards (by rotation) ...	...	...	...	...	2
Landholders' Association ...	...	...	...	...	1
Chamber of Commerce ...	...	...	...	...	1
University ...	...	...	...	...	1
Nominated non-officials ...	...	...	...	...	3
					<hr/>
		Total	...	...	20
or, including the Lieutenant-Governor	...	...	...	...	<hr/>21

Large print précis,
p. 26.

The statistics from 1893 to 1906 show that 52·8 per cent. of the elected members have been drawn from the educated middle class, 11·3 being barristers and 41·5 pleaders.

45. The Lieutenant-Governor proposes :—

(1) One member for each of the six existing Divisions and a representative of the new division to be created by the partition of the Patna Division ...	...	...	...	...	7
(2) The representatives of the Chamber of Commerce, the Trades Association, the Calcutta Corporation, and the University, as at present, and a new representative of Indian Commerce ..	...	...	...	...	5
(3) Representatives of the landed proprietors, who must be zemindars elected by zemindars ...	...	...	...	...	2
(4) Representatives of any special class requiring representation ...	...	...	...	...	4
					<hr/>
	Total of non-official members	...	...	...	18
Add official members	...	...	...	...	18
					<hr/>
	Total members of Council	...	...	...	36
or, including the Lieutenant-Governor	...	...	...	...	<hr/>37

Small print précis,
p. 9.

The scheme is almost identical with that propounded by the British Indian Association. Its weak points appear to me to be :—

- (1) That the Council is too small.
- (2) That it gives insufficient representation to the educated classes.
- (3) That it gives too few seats to the landholders.
- (4) That it refuses separate representation to the Muhammadans.
- (5) That it assigns too few seats to European Commerce, and does not provide for the representation of the planting community.

46. I had the advantage of discussing the subject on several occasions with Sir Edward Baker, and found him in general agreement with my criticisms on the local Government's scheme. I therefore suggested for his consideration the following alternative :

(1) Elected by District Boards and Municipalities voting together, Presidency and Burdwan divisions two members each, and the other five divisions one each ...	...	...	...	...	9
(2) Representatives of the Chamber of Commerce, the Trades Association, the Calcutta Corporation, and the University, as at present, and new representatives of Indian Commerce and the planting community ...	...	...	...	...	6
(3) Representatives of the landed proprietors, zamindars to be elected by zamindars—Bengal 2, Behar 2, Orissa and Chota Nagpur 1, by rotation ...	...	...	...	...	5
(4) Representatives of Muhammadans ...	...	...	...	...	2
(5) Representatives of special classes ...	...	...	...	...	3
					<hr/>
	Total non-official members	...	...	...	25
(6) Official members	...	...	...	...	24
					<hr/>
	Total	...	...	...	49
or, including the Lieutenant-Governor	...	...	...	...	<hr/>50

47. With reference to this scheme Sir Edward Baker wrote to me demiofficially on the 1st July as follows :

I have given this question the best consideration in my power in the time available, though labouring under the difficulty of having no provincial statistics readily at hand.

2. The most convenient course will perhaps be if I first sketch the constitution I prefer, and then state the reasons. I advise the following:—

(1) One member to be elected by the District Boards of 7 Divisions	...	...	7
(2) Four members to be elected by Municipalities, viz.—			
2 for Bengal (Presidency and Burdwan Divisions), and			
2 for Behar (viz., Patna, Tirhut, and Bhagalpur in rotation)	...	...	4
I do not propose any member for the Orissa and Chota Nagpur Municipalities.			
(3) Chamber of Commerce etc, etc, as in your <i>précis</i> . (N.B.—I am doubtful about the planting member).	...	...	6
(4) Landed proprietors, who must be zemindars elected by zemindars—Bengal 2, Behar 2, and Orissa cum Chota Nagpur 1.	...	...	5
(5) Muhammadans	...	...	2
(6) Representatives of special classes	...	...	3
Total			27
(7) Officials	...	...	26
Total			53
or, including the Lieutenant-Governor	...	...	54

I have recommended an alteration of these proposals. See my note. H. A[DAMSON].

3. I do not think that 54 is too large a council for a province with a population of over 50 millions. As a matter of fact, the actual number may commonly be less, say 45 or 46.

4. The great defect of the Bengal scheme was the inadequate representation of the educated classes. On the other hand, I am not much in favour of lumping up District Boards and Municipalities as a single constituency. Their interests are not the same, and unless the voting power was very accurately worked out, the Boards might be swamped by the Municipal votes. I am aware that Hewett has proposed to amalgamate them; but his Municipalities are on a different scale from those in Bengal, while his District Boards are highly officialized bodies. I therefore prefer to give separate representation to our municipalities. Orissa and Chota Nagpur have only 16 Municipalities between them, most of which are of small importance, and they do not require separate representation.

5. If, however, the Government of India dislike this plan, I should be prepared to accept your second alternative, giving 9 seats to District Boards and Municipalities jointly, distributed as you suggest. I hope, however, that my plan may be tried.

6. I have thought over your suggestion to bring in the Honorary Magistrates, but on the whole am not in favour of it. They are all nominated, and therefore cannot be associated with bodies which are essentially on an elective basis, except in a very artificial way. The analogy of Bombay does not help much. The Justices there (who exist only in the Presidency town and have no magisterial powers) do elect a certain proportion of the Corporation. But that is manifestly a very different thing. If we associate them with District Boards and Municipalities, we shall be accused of trying to water down the purely popular element.

7. I feel doubts about the planting member, either for indigo or tea. Neither is so important as jute, which could not receive separate representation. If occasional representation were desired, it could be provided under (8). But on the whole I would accept him, because it will give us another non-official European member. I should not be surprised if a member of one of the agents' firms were often elected.

8. For the zemindar members, I should like to pitch the land-revenue qualification rather high; but without figures I cannot suggest anything definite.

9. My plan requires a maximum of 26 officials. I have made out a list of 27 who could be appointed, and there are several others also available. But I should not contemplate appointing so many. It is humanly certain that several of the non-officials would vote with us, each vote counting two on a division—and I imagine that 18 or even less would make us reasonably safe. We should always retain the power to appoint the full number in case of need. The fact that we should have to rely on persuasion and conciliation instead of force would have an educative effect of the highest value.

10. I take this opportunity of saying that I am by no means in agreement with paragraph 24 of the Bengal letter, but I understand that you have already negatived these proposals. I am glad of it.

REPRESENTATION OF THE EDUCATED CLASSES.

Vide letters and statistics app 50—103 of Vol I and particularly Sir James La Touche's letter on p. 90

Census of India, Vol VI-A, p. 22.

48. I may explain that my suggestion about Honorary Magistrates was that they should vote with Municipalities and District Boards. My idea was that, while belonging to the same class as the rest of the constituency, they would add an element of stability and respectability to it. But I recognize that the proposal is open to Sir Edward Baker's criticisms, and after all many Honorary Magistrates are already members of local bodies. I think Sir Edward Baker's heads (1) and (2) are in some respects an improvement on my head (1). If district boards and municipalities are combined to make a divisional constituency their respective voting power must be defined as in Sir John Hewett's scheme for the United Provinces. This is necessarily rather an arbitrary business, and, unless the two groups are very nicely balanced, one will regularly outvote the other. On the other hand it may be said that these bodies have in the past elected much the same sort of people, usually pleaders, and that if we give the landowners special representatives of their own there is the less reason for making district boards and municipalities vote separately in the hope that the former will elect landholders. I am also rather afraid that Sir Edward Baker's plan will provoke an outcry from the two divisions to which he gives no municipal member, and indeed takes away the occasional member whom they get now. There are, it is true, only 20 (not 16) municipalities in Orissa and Chota Nagpur, and their total urban population is comparatively small. But Cuttack and Puri are large towns, and Ranchi is growing rapidly. In Orissa a strong provincial spirit, usually taking the form of an aversion to Bengalis, has existed for years, and Chota Nagpur, even if it is captured by the Bengalis who are settling there in large numbers, will none the less clamour for a municipal representative. The relevant statistics are—

Orissa. Urban population	...	...	167,452
Cuttack town	...	46,554	
Balasore town	...	20,880	
Puri town	...	49,334	
Chota Nagpur. Urban population	...	...	121,078
Ranchi town	...	23,126	
Hazaribagh town	...	15,799	
Purulia town	...	17,291	

These figures are for 1901 and the population of Puri and Ranchi must have increased greatly since then.

49. If Sir Edward Baker's proposal is not agreed to, there seem to be two alternatives—

- (1) My proposal for 9 divisional members in a Council of 50, which Sir Edward Baker is prepared to accept.
- (2) To give the Orissa and Chota Nagpur Municipalities one member apiece. This would involve adding 4 members, two official and two non-official, and raising the strength of the Council to 57, or with the Lieutenant-Governor 58.

The whole thing, however, is necessarily provisional, as a final decision can only be arrived at, after the Act has been amended, when the final regulations come to be drafted. How long it will take to pass the Act will depend upon the state of public business in the House of Commons. I may add, with reference to the letter of 30th June from the Calcutta Trades Association which reached us three days ago, that their claim to have their long-standing representation on the Council legally secured will be met if their association is, like the Chamber of Commerce, included by name in the regulations, which have the force of law.

REPRESENTATION OF COMMERCE.

Précis, p. 8.
P. 8.
P. 9.

50. The Behar Planters' Association ask in general terms for more non-official European members; the Bengal National Chamber of Commerce complain that no provision has been made for the commercial classes; the Bhagalpur Landholders suggest a separate electorate for commerce and trade; the British Indian Association propose two commercial members, one European and one

If the planting community are to have a vote, as I think they ought to have, they should be allowed to elect their own member. Nothing less will satisfy them in present political conditions
H. A[DAWSON].

Indian ; and the Bengal Chamber of Commerce want at least five non-official members in a Council of 35 or 36 members, namely:—

Appointed by the Chamber for general commercial interests	...	1
" " " " for jute and other manufacturing industries	1	
" " the Indian Tea Association	...	1
" " Calcutta Trades' Association	...	1
Nominated by the Lieutenant-Governor for European zamindars and landholders	...	1

It is impossible to satisfy all these demands. But it occurs to me, as an improvement on my scheme in paragraph 36 above, that instead of assigning an elective seat to the planting community, we might give the Chamber two members instead of one. That would meet paragraph 7 of Sir Edward Baker's letter, and would still leave it open to the Lieutenant-Governor to nominate a European to represent the indigo planters of Behar or the tea planters of Darjeeling.

51. Sir Edward Baker accepts my proposal under this head, and would like to pitch the land revenue qualification rather high. Here Bengal gives us no help, as its letter says nothing about qualifications in the case of the Provincial Council. But in dealing with the Imperial Council the Lieutenant-Governor proposed an electorate based on annual value of half a lakh as indicated by the cess valuation, and the Bengal National Chamber of Commerce showed by actual instances that the mere payment of so much land revenue is not a sound test of wealth and influence. In the case of the Provincial Council the British Indian Association ask for four members, thus:—

Elected from among themselves by large landed proprietors or territorial magnates having a net income of Rs. 25,000 a year from land	...	2
Elected from among themselves by smaller landed proprietors having a net income of Rs. 12,000 a year from land	...	2

These suggestions cannot be taken very seriously, seeing that for the Imperial Legislative Council the association proposed an electorate based on a net income of only Rs. 12,000. If my proposal to distribute five seats by sub-provinces is adopted, the electorate will have to be fixed for each sub-province on the basis of the Road and Public Works cess statistics which show the annual rental for each estate. The qualifications need not be the same in all five sub-provinces. The rental that would give a large electorate for Behar might produce an unduly small one in Orissa.

52. The Muhammadans in Bengal number 9 millions or 16·7 per cent. of the population distributed as follows:—

Burdwan Division	...	1,084,820
Presidency Division	...	4,405,537
Behar	...	2,986,450
Orissa	...	102,981
Chota Nagpur Plateau	...	451,009

REPRESENTATION OF MUHAMMADANS.

Census of India, Vol. VI, p. 205, and VI A, p. 27.

No mention is made of them in the Bengal letter, and the intention apparently is to meet their claims by nomination. Sir Edward Baker accepts my proposal to give them two seats. Nawab Abdur Rahman asks for 4 Muhammadan seats to be filled "by nomination from among non-official and official Muhammadans of proved loyalty, merit, and ability." The Central National Muhammadan Association say nothing about Muhammadan representation in the Provincial Council, but their remarks in paragraphs 16 and 17 of their letter regarding the Imperial Legislative Council suggest that, like most of the Muhammadans in other provinces, they are in favour of a special electorate. If the Muhammadans are to be given representation in strict proportion to their numbers, they ought to get at least 4 out of 25 or 27 non-official seats. This could only be done by adopting my arrangement of 9 seats for district boards and municipalities, and not Sir Edward Baker's plan of 11 seats. In that case we should have 27 non-official members, four of whom would be Muhammadans. If, however, Sir Edward Baker's plan is preferred, we can only get in 4 Muhammadans by raising the number of non-officials to 29 and of officials to 28, giving a Council of 57 or including the Lieutenant-Governor 58. On the whole I am

Enclosures of Bengal letter, p. 17.
Enclosures of Bengal letter, p. 21.

inclined to think two Muhammadans sufficient. I would give one to Bengal, and one to Behar, leaving the Muhammadans of Orissa and Chota Nagpur unrepresented. The electorate must be settled later on in consultation with Bengal.

UNITED PROVINCES.

53. The Legislative Council of the United Provinces is at present constituted as follows:—

Official members	...	...	...	...	7
Recommended by groups of municipalities	...	...	...	...	2
" by groups of District Boards	...	...	...	...	2
" by Upper India Chamber of Commerce	...	...	...	...	1
" by University of Allahabad	...	...	...	...	1
Nominated by the Lieutenant-Governor to represent different classes					2
					<hr/>
				Total	...
Or, including the Lieutenant-Governor	...	...	...	...	15
					16
					<hr/>

Vol. I, p. 90.

In commenting on the working of the existing regulations Sir James La Touche observed two years ago—

- (1) That municipalities have practically always elected pleaders.
- (2) That District Boards do not as a rule elect great land-owners. Nehal Chand and Madho Lall "belong to the English educated class, and, though they hold land, are only incidentally land-owners".
- (3) That no Muhammadan has ever been elected by a representative group. Sir John Hewett repeats this statement in paragraph 12 of his letter.
- (4) That the educated middle class generally secures five out of the six elective seats.
- (5) That Indian Commerce is unrepresented. Sir John Hewett confirms this in paragraphs 12 and 29 of his letter.
- (6) That more official seats were needed in order to find places for the heads of the Education, Medical, Sanitary, and Agricultural Departments, and for the junior of the two Chief Engineers.

The statistics from 1893 show the educated middle class holding 50 per cent. of the elective seats—barristers 14·7 and pleaders 35·3.

Pp. 27-30.

54. The reconstruction of the Council has been carefully worked out and explained in paragraphs 19 to 30 of the local Government's letter which are summarised in the large print précis. The Council proposed is constituted as follows:—

Officials	...	...	...	...	...	22
Non-officials—						
Elected by Upper India Chamber of Commerce	...					1
" Senate of Allahabad University	...					1
" District Boards and Municipalities of Divisions, except Kumaon	...					8
" Municipal Boards of Allahabad, Lucknow, Benares, Cawnpore, Agra, Bareilly, in rotation two at a time	...					2
" British Indian Association representing land-holders of Oudh	...					1
" Land-holders of Agra	...					
" Muhammadans	...					

Nominated by Government—

For Kumaon Division, when suitable representative available 1	
For Muhammadans, one being Trustee of Aligarh ... 2	
For special classes, such as planting community and Indian commercial community 3	
	<hr/>
	22
	<hr/>
	44
or, including the Lieutenant-Governor ... 45	
	<hr/>

55. I think this Council may be accepted almost as it stands. I have only the following observations to make.

- (1) If the principle of the casting-vote majority is agreed to, the number of non-officials should be raised from 22 to 23.
- (2) The constituencies formed out of municipalities and district boards give ten seats (eight in divisions and two in cities) to the educated classes, and recognise the territorial principle for which they contend. They will also carry the seat allotted to the University. Paragraph 22 of the letter should be read. The table given near the bottom of page 14 shows that if the municipalities and district boards vote solid the former will preponderate in the Meerut, Agra and Rohilkhand divisions, and the latter in Lucknow, Fyzabad and Allahabad. But as both bodies elect the same class of representative I do not think this matters. The Benares and Gorakhpur divisions are to be amalgamated for voting purposes, and the constituency thus formed is to elect 2 members, one from Benares and one from Gorakhpur. The whole arrangement is rather complicated, but it has been carefully thought out and other alternatives have been considered, among them, no doubt, Sir Auckland Colvin's scheme referred to in paragraph 5 above. I can suggest no improvement, and I think the Lieutenant-Governor's proposals should be accepted. The regulations will of course be so framed as to admit of the system being remodelled if it works badly.
- (3) The landholders get only two members, one elected for Oudh by the British Indian Association and the other for Agra by a constituency of 672 persons who pay Rs. 5,000 land revenue. At first sight the number of seats seems small, but the landholders themselves, with the exception of the Agra Association which is said not to be representative, propose no more, *vide* the opinions of British Indian Association, Maharaja of Benares, Raja Muhammad Ali Muhammad Khan, Raja Partab Bahadur Singh, and Munshi Madho Lal.
- (4) The Muhammadans number 6,731,034 in the United Provinces or 14 per cent. of the population. This would entitle them to 3 out of 23 non-official members. The Lieutenant-Governor proposes to give them 4, which is justified by their status and influence in the province. Two are to be elected and two nominated, one of these being a resident Trustee of Aligarh. The Aligarh Trustees ask for 10 Muhammadan members, 9 elected by the Muhammadans of each division and one by the Trustees from among themselves. This is plainly excessive. The Talukdar of Mahmudabad asks for 4 members, 2 elected and 2 nominated; while Sir Faiyaz Ali Khan accepts the proposals made by the local Government in their letter of 7th October 1907 that the Muhammadans should have four

Précis, p. 13.
P. 14.
P. 15.
P. 17.

P. 14.
P. 14.
P. 15.

members, two elected and two nominated, in a Council of 35 or 36 members. The distribution of Muhammadans by sub-provinces and divisions is:—

AGRA, 5,027,188			
Meerut Division	...	...	1,357,133 A
Agra "	...	...	494,364 A
Rohilkhand,,	...	...	1,337,272 A
Allahabad "	...	...	513,478 B
Benares "	...	...	429,153 B
Gorakhpur "	...	...	811,338 B
Kumaun "	...	...	84,450 A
OUDH, 1,703,846			
Lucknow Division	...	...	746,732 B
Fyzabad "	...	...	957,114 B

Under the United Provinces scheme there are to be two Muhammadan constituencies, one consisting of the divisions marked A in the statement above (Muhammadan population 3,273,000), and the other of those marked B. (Muhammadan population 3,458,000). Each division is to elect one member through an electorate comprising—

- (a) Muhammadans paying Rs 5,000 land revenue, or income tax on that amount, 408 in number.
- (b) Muhammadan Fellows of the Allahabad University, 20 in number.
- (c) Registered Muhammadan graduates, of over 5 years' standing, belonging to any Indian University and residing in the United Provinces, number not given.

It is stated that the total electorate will probably exceed 700 persons, but we are not told how it is distributed between the two constituencies. In view of the objections taken by Muhammadans in other provinces to nomination and also to the difficulty of working large and scattered constituencies, I am inclined to think that it would be better to give the Muhammadans 4 elective seats—one per group of two divisions, omitting Kumaun. The grouping would be left to the local Government.

- (5) The scheme of a Council of 35 or 36 members (about 17 non-officials) which was circulated by the local Government in October 1907, was criticised on the ground that Indian commerce and the monied classes had received insufficient attention. The Lieutenant-Governor has considered a proposal to form a commercial electorate consisting of all merchants, manufacturers, capitalists, and bankers who pay income-tax of Rs. 250 and over, and to give this constituency one member. He concludes that no satisfactory electorate of the kind could be constructed at present; he hopes that some commercial Indians may be elected by the large municipalities, and he proposes in any case to see that they are represented by nomination. This is all that can be said at present.

56. For these reasons I suggest the following arrangement of the Council:—

Officials	...	...	...	...	...	22
Non-officials—						
Elected by Upper India Chamber of Commerce	...	...	...	...	...	1
" Senate of Allahabad University	...	...	...	...	...	1
" District Boards and Municipalities of Divisions, except	...	...	...	...	...	8
" Kumaon	...	...	...	...	...	2
" Municipal Boards of Allahabad, Lucknow, Benares,	...	...	...	...	...	2
" Cawnpore, Agra, Bareilly, in rotation two at a time	...	...	...	...	...	1
" British Indian Association representing land-holders of	...	...	...	...	...	1
" Oudh	...	...	...	...	...	1
" Land-holders of Agra	...	...	...	...	...	1
" Muhammadans elected by groups of 2 divisions, omit-	...	...	...	...	...	4
ting Kumaun	...	...	...	...	...	4
Nominated by Government—						
For Kumaon Division when suitable representative available	...	...	...	...	...	1
For special classes such as the planting community and the Indian	...	...	...	...	...	4
commercial community	...	...	...	...	...	4

PUNJAB.

57. The Punjab Legislative Council was established by the proclamation of 9th April 1897. It consists of :—

Officials	...	...	...	...	...	4
Non-officials	...	...	...	...	...	5
						<hr/> 9
or including the Lieutenant-Governor						10

All the members are nominated. The non-officials are—one Christian, two Muhammadans, one Sikh, and one Hindu. In his letter of 6th September 1905 Sir Charles Rivaz said— Vol. I, p. 97.

- (1) That the Council was quite large enough for the present requirement of the Province.
- (2) That the important classes and interest of the Punjab had been adequately represented by nomination.
- (3) That "the only possible elective body" would be the ordinary* Fellows of the Punjab University under section 6 of the Universities Act. *
- (4) That the University "might quite safely and properly be given the power of electing one of their number to serve on the Provincial Council". If that were done "they would presumably ordinarily select a man belonging to the educated professional class".
- (-) That the privilege of asking questions might "quite safely" be granted to the Punjab Council and "would be much appreciated by the educated classes".

*This excludes the ex-officio Fellows, viz., the Chief Judge of the Chief Court, the Bishop of Lahore, the Director of Public Instruction and the representatives of certain Chiefs

58. The views of the present Lieutenant-Governor are stated in paragraphs 44 and 50 of the Punjab letter, and summarised on pages 31-33 of the précis in large print. Sir Louis Dane proposes a Council of the following composition :—

Official members	...	..	...	...	10
Non-official members—					
Ruling Chiefs or great officers of Native States				...	1
European Anglo-Indian and Native Christian non-official and commercial classes	...	...	...	...	1
University	...	...	...	...	1
Larger cities	...	...	...	...	2
Muhammadans	...	...	...	...	3
Hindus	...	...	...	...	2
Sikhs	...	...	...	...	1
					<hr/> 21
or including the Lieutenant-Governor					22

I think these proposals objectionable in several respects. See my note H A DAMSON].

The points to be noticed are the following :—

- (1) The list of official members includes the Manager of the North-Western Railway, and a high military officer to represent cantonments.
- (2) The inclusion of a ruling Chief is justified by the fact that the interests of Native States in the Punjab are very closely bound up with those of the province at large.
- (3) It is stated that in selecting the European or Anglo-Indian representative the Punjab Chamber of Commerce and the Trades Association might be consulted.
- (4) The University member would at first be elected by the Senate, but it is suggested that the seat might hereafter be transferred to

the graduates of the Punjab University. This proposal will require very careful consideration with reference to the conditions of other Universities, and I would say as little as possible about it at present. In Bengal and Bombay such a constituency would be a large one, and it would probably elect professional politicians of the most advanced type.

- (5) The two members for the larger cities would be selected by the Lieutenant-Governor from among persons nominated by the Municipal Committees of the eleven towns mentioned, the Cantonment Committees voting jointly where the cantonment population is large. This plan is intended (paragraphs 43 and 46) to give special representation to the trading and industrial classes.
- (6) Stress is laid (paragraph 46) on the difficulty of forming a landholding electorate based on payment of land revenue or income tax. We are not told *totidem verbis* how the landed interest is to be provided for, but it is obvious from the appropriation of seats to other interests that the six seats allotted to religions will afford ample scope for the representation of the landlords.
- (7) The members representing Hindus, Muhammadans and Sikhs are to be nominated and not elected. The question of nomination or election was clearly stated in paragraph 8 of the Punjab Government's letter of 27th September 1907 to Commissioners and head IV (8) of its enclosure giving the points on which opinions were invited. In paragraph 41 of the letter of 6th July the Punjab says that the great weight of official opinion, and of the most influential Muhammadans, is in favour of nomination in all cases, and that a few leading Hindus take the same view. "If election were conceded in the case of representatives of the university and the educated and professional classes, then there would be a decided preponderance of opinions in favour of nomination of the remaining non-official members." The evidence against election is put together in Appendix D, which contains 12 Hindus and 3 Parsee names. It would be easy to compile from the précis a list of Hindus who advocate election, but we have no means of gauging the value of these opinions, and mere enumeration of unknown quantities is not very instructive. Taking Mr. Justice Chatterji as a reasonable and temperate representative of the advanced type of Hindu lawyer, I observe that he says:—"As at present advised, I think an addition of five elected Indian members would suffice. There are five members appointed by nomination, and I think this system and the principle on which the nominations are at present made should be maintained." He goes on to propose that two Indian members should be elected by landholders paying Rs. 2,000 or Rs. 2,500 land revenue, and two by district boards and municipality voting together. "The fifth member might be elected by the university, though this would introduce a political element in that body which is not altogether desirable. But such a measure is in force elsewhere, and there can be no more feasible method of allowing representation to the English educated community." If Mr. Chatterji's views can be regarded as representing those of his class the Punjab proposals go a long way towards meeting them. The scheme put forward gives one purely elective seat to the University and two seats to municipalities on a system of election tempered by selection. District boards are shown to be unsuitable as electorates, and the formation of a landholding constituency is considered impracticable.

59. For our present purpose I think the Punjab scheme may be accepted as it stands. It represents a considerable advance on the existing system; it enlarges the Council to more than double its present size; it gives elective or

semi-elective representation to the educated classes and to Indian commerce and industry, and it provides by means of nomination for the claims of the three religious interests, which are practically identical with those of the land holding classes. The Muhammadans forming 53·3 per cent. of the population get three seats ; the Hindus (38·8) two ; and the Sikhs (7·5) one.

BURMA.

60. The Burma Legislative Council was formed by proclamation in 1897, at the same time as that of the Punjab As at present constituted it consists of—

Officials...	...	...	...	...	...	5
Non-officials nominated	...	...	...	...	...	4
						<hr/>
Total						9
						<hr/>
or, including the Lieutenant-Governor	...	...	...	...	...	10

Two of the non-officials are Burmese. In practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the Municipal Committee of Rangoon.

61. The Lieutenant-Governor proposes a Council constituted as follows :—

Officials	...	...	...	...	...	8
Non-officials—						
Elected by the Burma Chamber of Commerce	...	...	...	...	...	1
Nominated by the Lieutenant-Governor after consultation with the Rangoon Trades Association, Rangoon Port Commissioners and Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein and Akyab	...	...	...	...	...	1
Nominated to represent Indian and Chinese trading and mercantile interests	...	...	...	...	...	1
Nominated to represent Burmese population	...	...	...	...	...	4
						<hr/>
Total						15
						<hr/>
or, including the Lieutenant-Governor	...	...	...	...	...	16

62. In determining the size of the Council the Lieutenant-Governor seems to have followed the model of the Councils of the United Provinces and Eastern Bengal and Assam which consist of 15 members, excluding the Lieutenant-Governor. He has, however, departed from that precedent by making the number of officials exceed that of non-officials by one. In all the Provincial Councils, except the Bengal Council, the converse is the rule: excluding the head of the Government, and reckoning the Advocate General, where he is a member, as a non-official, the non-officials are in a majority of one. In fact the regulations provide only the bare official majority that is attainable by means of the President's casting-vote. There cannot be the smallest necessity in Burma for reserving a larger majority than this, and, as the point is one which is

I would do the first but not the second, following our decision as to the casting vote in the Imperial Council.

H. A.[DAMSON].

sure to attract attention, I think the number of officials should be reduced to 7, and that of non-officials raised to 8. The additional seat might be utilised in giving separate seats, by nomination, to the Indian and Chinese trading and mercantile interests which are doubled up in the Lieutenant-Governor's scheme. A possible alternative would be to give European Commerce a third member, who might be nominated in consultation with the Municipal Committees of Mandalay, Moulmein, Bassein, and Akyab, so as to represent commercial and industrial interests outside of Rangoon. Subject to these suggestions I think the Council proposed by the Lieutenant-Governor may be accepted.

EASTERN BENGAL AND ASSAM.

63. The Legislative Council of Eastern Bengal and Assam was established in October 1905. It consists of—

Officials	...	...	...	...	...	7
Non-officials—						
Recommended by Municipalities	...	...	...	...	...	7
„ by District Boards	...	...	...	...	...	2
„ by Associations of landholders	...	...	...	...	...	1
„ by Associations of Merchants	...	...	...	...	...	1
„ by Commissioner of Port of Chittagong	...	...	...	...	...	1
Nominated by Lieutenant-Governor	...	...	...	...	...	2
Total						15
or, including the Lieutenant-Governor						
...	...	...	...	...	...	16

The local Government now proposes a Council constituted as follows :—

The Lieutenant-Governor proposes a Council constituted thus—

Officials	...	...	...	...	...	12
Non-officials—						
Elected by Municipalities	...	...	...	...	...	2
Elected by District and Local Boards	...	...	...	...	...	3
Elected by Bengal Landholders Associations	...	...	...	...	...	1
Elected by Provincial Muhammadan Association	...	...	...	...	...	1
Elected by tea interest	...	...	...	...	...	1
Elected by jute interest	...	...	...	...	...	1
Elected by the Commissioners of the Port of Chittagong	...	...	...	...	...	1
Nominated by the Lieutenant-Governor to represent different classes	...	...	...	...	...	3
Total						25
or, including the Lieutenant-Governor						
...	...	...	...	...	...	26

64. This scheme appears to me to be open to the criticisms :—

- (1) A Council of 25 is too small for a province with a population of 31 millions, a large proportion of which consists of Bengalis of an advanced type.
- (2) The representation given to the educated classes (5 seats) is insufficient.
- (3) The Muhammadans and the landholders are inadequately represented.

I will take these points in order. I may mention that the non-official opinions sent up contain hardly any constructive proposals and deal mostly with vague generalities.

65. The local Government admits that it is desirable to expand the present Council so as to represent interests now excluded. But it considers that it can only spare 5 officials in addition to the 7 now on the Council. It will be seen, however, from page 3 of the civil list as marked by me that about 23 officers are really available to sit on the Council, if need be, all of whom possess knowledge which would qualify them to take part in debates, and to make useful contributions to the discussion of the budget. I would not propose to use all of them, but I think there are enough to enable us to raise the number of official members to 17. This is one more than Mr. LeMesurier proposes. Given 17 officials, the

ENLARGE-
MENT OF
THE COUN-
CIL.

Précis, page 33

number of non-officials may be 18, on the principle followed in constructing the other Provincial Councils, and the total strength of the Council 35, or, including the Lieutenant-Governor 36.

66. Under the present system the educated classes are represented by the three members returned by district boards and municipalities. The local Government proposes to give them five. That seems to be too few, especially if it is borne in mind that there is no University and no Presidency corporation, bodies which in other provinces usually elect representatives of the educated middle class. I would propose to raise the number to eight, distributed thus :—

Dacca Division	...	...	...	...	2
Chittagong „	...	...	...	...	2
Rajshahi „	...	...	...	...	2
Assam valley	...	...	...	...	1
Surma valley	...	...	...	...	1

In what way these seats should be allotted among the local bodies concerned is a question for the local Government and need not be discussed at length here. The first six can easily be divided between the municipalities and district boards of the divisions in question. In the Assam and Surma valleys the local boards and municipalities will have to vote together.

67. At present the Eastern Bengal Landholders Association and the Provincial Muhammadan Association exercise in turn the privilege of recommending a member. The local Government proposes to give each a representative. This is as much as is possible with a Council of 25, but with 10 additional members (5 official and 5 non-official) we can afford to give the land-holders as such two members. The opinions sent up do not throw much light on the subject. Mr. Strong, Magistrate of Dinajpur, proposes a landowning member for each division, but this would involve a Council of 41 which is impossible. The Chairman of the Dacca Municipality asks for two land-holders' seats; Muhammad Yusuf wants three; and Mr. Clarke, Magistrate of Mymensingh, proposes two, one Hindu and one Muhammadan. On general grounds I think there is a case for two. There are no data for forming an electorate. I do not like the idea of making over two seats to the Eastern Bengal Land-holders Association, and I should prefer an electorate based on income as denoted by cesses, and voting by divisions or groups of divisions in rotation. This may be proposed to the Local Government when the time comes to settle details.

68. The Local Government proposes one member to be elected by the Provincial Muhammadan Association. The opinions are not of much value. Major Cole, Superintendent of the Lushai Hills, would give three members to the association; the chairman of the Dacca Municipality proposes two, to be elected by Muhammadans having an income of Rs. 5,000 from land or other sources; and Muhammad Yusuf suggests by two, to be elected by the Anjumans. If we were to be guided by statistics Muhammadans ought to have more than half of the non-official seats, since they form 58 per cent. of the population. But this is clearly out of the question, and I think two seats will be sufficient. It will be in the power of the Lieutenant-Governor to nominate one or two members to represent the Muhammadan tenantry of the province.

69. In view of these considerations I suggest a Council constituted as follows :—

Officials	...	...	...	...	...	17
Non-official—						
Elected by Municipalities and District and Local Boards	...	...	...	...	...	8
Elected by Landholders	...	...	...	...	...	2
Elected by Muhammadans	...	...	...	...	...	2
Elected by tea interest	...	...	...	...	...	1
Elected by jute interest	...	...	...	...	...	1
Elected by the Commissioners of the Port of Chittagong	...	...	...	...	...	1
Nominated by the Lieutenant-Governor to represent different classes	...	...	...	...	...	3
Total					...	35
or, including the Lieutenant-Governor					...	36

REPRESENT-
ATION OF
EDUCATED
CLASSES.

REPRESENT-
ATION OF
LANDHOLD-
ERS.

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REPRESENT-
ATION OF
MUHAMMA-
DANS.

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**LOCAL AND
MUNICIPAL
FRANCHISES.**

70. In paragraphs 21 and 22 of their letter of 24th August 1907, the Government of India dealt with District Boards and Municipalities, as electorates for the Provincial Legislative Council. While pointing out that in most provinces the property qualifications both of electors and members of these bodies were very low, and thus inappropriate for the selection of legislators, they undertook not to withdraw the privilege of election, and suggested that the difficulty about the franchise might be got over by introducing special qualifications for membership of the Legislative Council. They also (paragraph 22) outlined a scheme for the representation of classes in Provincial Councils and local bodies. This scheme, which emanated from Sir William Lee-Warner, has been received with general disapproval, and nothing need be said about it here. The views of local Governments may be summarised as follows :—

- (1) Madras are proposing to introduce the elective principle into the Taluk Boards by which half of the members of District Boards are now elected, and to raise the qualifications of both voters and candidates in the case of municipalities. A tentative scheme drawn up on these general lines was published for criticism in a Gazette Extraordinary on 26th June.
- (2) Bombay consider that it would be impolitic to raise the present municipal and district board franchise, and that it may be advisable to lower it. Since their letter was written Sir George Clarke has announced in the Legislative Council the intention of the local Government "to strengthen the elective element in the district municipalities of the Presidency and to free them in great measure from official control," by increasing the proportion of elected members and allowing them to choose their own President.
- (3) Bengal wishes to leave the electoral system in municipalities unchanged for the present, and to reconstruct the district board franchise on the basis of class representation. Sir Edward Baker disapproves of the latter proposal and understands that the Home Department have negatived it. That does not appear to be the case.
- (4) The United Provinces thinks that no case has been made out for raising the local and municipal franchises, but would impose additional qualifications for candidates who seek election to the Provincial and Imperial Councils.
- (5) The Punjab says nothing very definite on the subject, but apparently does not propose to remodel the local franchises.
- (6) Eastern Bengal and Assam would leave the local and municipal franchise untouched.

71. It would be impossible, even if it were relevant, to discuss the reconstruction of our system of local Government as a preliminary to the reform of the Legislative Councils. Nor is this in the least necessary. We have undertaken to

Whether relevant or not, we have not the material to do it, and I agree that it is unnecessary.

H. A[RDAMSON].

retain Municipalities and District Boards as part of our electoral machinery, and this undertaking holds good for the local bodies of the future which are sure to contain a larger elective element than those of the present time. There is then only one question to be settled. Are any special qualifications to be prescribed for the members of Council elected by those bodies? At present the only condition restricting their choice is that the member must be "resident within the municipality or the district in which it is situated, or in some one of the municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards". Bombay propose that candidates should be members of the bodies which they represent, so as to guard against the seats being monopolised by residents of Bombay City. The United Provinces Government suggests additional qualifications for candidates, but does not say what they should be. Among the local opinions we find Rajaratna Mudalyar proposing "sufficiently high qualifications based upon payment of land revenue or income-tax," and Krishnan

Large print précis,
p. 23.
Ibid, p. 24

Ibid, p. 27

Ibid, p. 28,

Ibid, p. 31.

Regn. VI.

Précis, p. 25.

Ibid, 39.

Madras précis, p.
504
P. 52.
P. 54.

Naiyar an annual income of Rs. 1,000 or payment of revenue of Rs. 500; while Vijiaraghava Chariar would admit no candidate under the age of 35. In the United Provinces Sundar Lal suggests payment of Rs. 5,000 land revenue for candidates from district boards, and Rs. 5,000 income-tax for candidates from municipalities; Madho Lal proposes an annual income of Rs. 2,000; Raja Pertab Baihadur Singh mentions Rs. 2,000 land revenue or income-tax, and Sir Faiyaz Al Khan land revenue of Rs. 5,000 for district board candidates and Rs. 3,000 for municipal candidates. Some weight attaches to these opinions coming from members of the educated class. On the other hand, the Bombay Presidency Association object to any special qualifications being laid down for members of Council, and several representatives of advanced opinion hold the same view. My own feeling is rather in favour of prescribing age and property qualifications for candidates elected by District Boards and Municipalities. But the question is no longer an open one as the Committee decided in the case of the Imperial Legislative Council that no qualifications need be prescribed for candidates elected by the non-official members of the Provincial Legislative Council. In the event, however, of the Secretary of State deciding to abandon the principle of recommendation and the general power of rejection conferred by Regulation VIII, the subject will have to be considered further.

U. P. precis, p.

17.

P. 17.

P. 16.

P. 15.

Bombay precis

P. 27.

72. The Chief Commissioner of the Central Provinces does not recommend that a Legislative Council should be established there, and at previous meetings the Committee have accepted his view.

73. Throughout this note I have used the term "elected by" instead of "nominated on the recommendation of" certain bodies or electorates. The latter is correct if the existing forms are retained, but the former is more convenient for the purpose of preliminary discussion.

H. H. RISLEY.

1st August 1908.

I have made a few marginal notes.

The Councils shown in Sir Herbert Risley's note are the full Councils with the maximum number of officials. The full Councils will be used only on very rare occasions, and it may be useful to show how the ordinary working Councils may be constituted. I have made a slight rearrangement of the members so as to show more prominently the extent of the elective principle, and I have (as decided for the Imperial Council) made the majority independent of the casting vote.

MADRAS:

Full Council.

A.—Members of the Executive Council	...	...	...	2
B.—Advocate General	...	...	...	1
C.—Nominated officials, not exceeding	...	...	...	20
D.—Nominated non-officials	...	...	...	4
E.—Elected* members—				
(a) By the Chamber of Commerce	...	...	...	1
(b) By the University	...	...	...	1
(c) By the Corporation of Madras	...	...	...	1
(d) By District Boards in four groups of districts	...	...	...	4
(e) By Municipalities in four groups of districts	...	...	...	4
(f) By landholders in four groups of districts	...	...	...	4
(g) By Mahomedans	...	...	...	2
(h) By the planting community	...	...	...	1
(i) Indian Commerce	...	...	...	1

* In some cases, e.g., (i) the member may have to be nominated until such time as a satisfactory electorate is formed.

or, including the Governor

46

47

Ordinary Council.

A.—Members of the Executive Council	...	...	...	2
B.—Advocate General	...	...	...	1
C.—Nominated officials	...	...	...	14
D.—Nominated non-officials	...	...	...	4
E.—Elected members	...	...	...	19
				<hr/> 40
or, including the Governor			...	<hr/> 1
				<hr/> 41

The fourteen nominated officials should be officers in high position stationed at headquarters and readily available without undue interference with touring duties. They could be selected in various ways. The following is an example:—

Secretaries, Chief, Revenue, and Public Works	...	...	3
Members of Board of Revenue	...	...	4
Accountant General	...	...	1
Surgeon-General	...	...	1
Director of Public Instruction	...	...	1
Inspector-General of Registration	...	...	1
Administrator-General	...	...	1
Collector of Madras	...	...	1
President, Madras Municipality	...	...	1
			<hr/>
Total	...	...	<hr/>14

In the ordinary Council three votes on a division would give a Government majority independent of the casting vote.

BOMBAY.*Full Council.*

A.—Members of the Executive Council	...	...	2
B.—Advocate General	...	...	1
C.—Nominated officials, not exceeding	...	...	20
D.—Nominated non-officials	...	...	3
E.—Elected* Members—			
(a) By Bombay Chamber of Commerce	...	...	1
(b) By Karachi Chamber of Commerce	...	...	1
(c) By Millowners' Associations of Bombay and Ahmedabad alterately.			1
(d) By the Corporation of Bombay	...	...	1
(e) By Municipalities in Sind	...	...	1
(f) By Municipalities in Northern Division	...	...	1
(g) By Municipalities in Central Division	...	...	1
(h) By Municipalities in Southern Division	...	...	1
(i) By District Local Boards in Sind	...	...	1
(j) By District Local Boards, Northern Division	...	...	1
(k) By District Local Boards, Central Division	...	...	1
(l) By District Local Boards, Southern Division	...	...	1
(m) By Bombay University	...	...	1

* Note as in Madras.

(n) By Mahomedans	...	...	...	3
(o) By Sardars of Gujarat	...	...	...	1
(p) By Sardars of the Deccan	...	...	...	1
(q) By Zamindars of Sind	...	...	...	1
(r) By Indian Commerce	...	...	...	1
				—
				46
or, including the Governor	...			47

Ordinary Council.

A.—Members of the Executive Council	...	...	...	2
B.—Advocate General	...	...	...	1
C.—Nominated officials	...	...	...	14
D.—Nominated non-officials	...	...	...	3
E.—Elected members	...	...	...	20
				—
			Total	40
or, including the Governor	...			41

There would be no difficulty in obtaining fourteen suitable officials as in Madras. Bombay, however, would probably not require so many as fourteen officials, as it apparently at present has no difficulty in obtaining non-officials on whose votes it can rely. Bombay would, therefore, probably object to being tied down to only three nominated non-officials. It is possible that other provinces may be able to find non-officials who in the ordinary Council could be relied on to support Government, and that they can pull along with fewer officials. The practice in Bombay suggests that it might be useful to group C and D together under the one head—Nominated officials and non-officials.

As in Madras, three votes on a division would give a Government majority independent of the casting vote.

BENGAL.

The Council sketched by Sir Edward Baker at page 23 is a large one and makes a severe demand on officials, especially for the ordinary Council, when it is remembered that we desire to interfere as little as possible with the liberty of touring officers. But it is difficult to cut it down and yet give a full representation to so populous a province. I would not exclude the planting member. In a time of unrest the planters have vital interests at stake, and there will be much indignation if they are shut out. I think that one member can be saved under Sir Edward Baker's heads (1) and (2). Under head (2) Municipalities I think that we must give one member more for the Orissa and Chota Nagpur municipalities alternately. They have representation on the present Council, and dissatisfaction will be felt if existing rights of representation are excluded. But under head (1) District Boards I would reduce from 7 to 5, and give the 5 members to the 7 divisions by rotation. This means that each division would be unrepresented once after three turns and again once after two. It could be arranged that the District Boards and the Municipalities should never be simultaneously unrepresented in any one division.

With this alteration the Bengal full Council would stand as follows:—

A.—Secretaries to Government	...	...	...	5
Members, Board of Revenue	...	...	...	2
B.—Advocate General	...	...	...	1
C.—Nominated officials, not exceeding	...	...	...	18
D.—Nominated non-officials	...	...	...	3

E.—Elected members—

(a) By the Chamber of Commerce	...	...	...	1
(b) By the Calcutta Trades' Association	...	...	...	1
(c) By the Corporation of Calcutta	...	...	...	1
(d) By the University	...	...	...	1
(e) By Indian Commerce	...	...	...	1
(f) By the planting community	...	...	...	1
(g) By the District Boards of the seven divisions by rotation	...			5
(h) By Municipalities (Presidency Division 1, Burdwan Division 1, Patna, Tirhut and Bhagalpur Divisions, in rotation 2, and Orissa and Chota Nagpur divisions in rotation 1)	...			5
(i) By landholders, Bengal 2, Behar 2, and Orissa <i>cum</i> Chota Nagpur 1	...	...	...	5
(j) By Mahomedans	...	...	...	2
				—
				52
or, including the Lieutenant-Governor	...			53
				—

The ordinary Council would be—

A.—Secretaries to Government	...	...	...	5
Members, Board of Revenue	...	...	...	2
B.—Advocate General	...	...	...	1
C.—Nominated officials	...	...	...	10
D.—Nominated non-officials	...	...	...	3
E.—Elected Members	...	...	...	23
				—
				44
or, including the Lieutenant-Governor	...			45
				—

Four votes on a division would give a Government majority independent of the casting vote.

The following is one arrangement of official members :—

Commissioner, Presidency Division	...	...	...	1
President of Municipality	...	...	...	1
Inspector-General of Registration	...	...	...	1
Accountant General	...	...	...	1
Inspector-General of Civil Hospitals	...	...	...	1
Collector of Customs	...	...	...	1
Director of Public Instruction	...	...	...	1
Sanitary Commissioner	...	...	...	1
Inspector-General of Police	...	...	...	1
Vice-Chairman of Port Trust	...	...	...	1
				—
				10
				—

UNITED PROVINCES.

Full Council.

A.—Secretaries to Government	...	...	...	4
Members, Board of Revenue	...	...	...	2
B.—Government Advocate	...	...	...	1
C.—Nominated officials, not exceeding	...	...	...	16
D.—Nominated non-officials	...	...	...	4
E.—Elected members—				
(a) By Upper India Chamber of Commerce	...	...	...	1
(b) By Allahabad University	...	...	...	1
(c) By District Boards and Municipalities of divisions excepting Kumaon	...	...	...	8
(d) By Municipal Boards of Allahabad, Lucknow, Benares, Cawnpore, Agra, Bareilly in rotation two at a time	...	...	...	2
(e) By British India Association representing landholders of Oudh	...	...	...	1
(f) By landholders of Agra	...	...	...	1
(g) By Mahomedans elected by groups of two divisions, omitting Kumaon	...	...	...	4
(h) By Indian Commerce	...	...	...	1
				<hr/> 46
or, excluding the Lieutenant-Governor	...	...	...	47
				<hr/>

The ordinary Council would be—

A.—Secretaries to Government	...	...	...	4
Members, Board of Revenue	...	...	...	2
B.—Government Advocate	...	...	...	1
C.—Nominated officials	...	...	...	10
D.—Nominated non-officials	...	...	...	4
E.—Elected Members	...	...	...	19
				<hr/> 40
or, including Lieutenant-Governor	...	...	...	41
				<hr/>

Three votes on a division would give a Government majority independent of the casting vote.

The following is one arrangement of official members, so as to secure ten :—

Commissioner	...	...	...	...	1
Inspector-General of Prisons	...	...	...	...	1
Inspector-General of Police	...	...	...	...	1
Director of Public Instruction	...	...	...	...	1
Inspector-General of Civil Hospitals	...	...	...	...	1
Sanitary Commissioner	...	...	...	...	1
Inspector-General of Registration	...	...	...	...	1
Postmaster General	...	...	...	...	1
Accountant General	...	...	...	...	1
Director of Land Records and Agriculture	...	...	...	...	1
					<hr/> 10
					<hr/>

PUNJAB.

In the Council proposed by Sir Louis Dane there are several things that I dislike. I think that no good reason has been assigned for giving to a Ruling Chief a place by right on the Council. We excluded the Ruling Chief from the Imperial Council, relegating him to ordinary nomination in case it might be desired at any time to appoint one. The Ruling Chief finds no place on any other provincial council. I would keep his name out of the Punjab Council. There is room for nominating him if desired under the heads Mahomedans, Sikhs, and other interests.

I see no reason for bringing the Native Christian into the commercial classes. It is a mere sham as the electorate will always return a European.

The method of representing the eleven larger cities will satisfy no one. If the Lieutenant-Governor is to select two out of the eleven nominees of these cities, no one will regard it as anything better than nomination pure and simple. Each city having only a 1 to 5 chance will take no interest in the election. This is the representation given to the educated classes, and it will be received with derision. The eleven cities with their population are shown under their respective revenue divisions as follows :—

Delhi Division	{	Delhi	...	...	...	206,534
		Ambala	...	...	...	28,200
		Simla	...	...	...	35,690
Jullundur Division	{	Jullundur	...	...	...	54,455
		Ferozepore	...	...	...	23,475
		Ludhiana	...	...	...	48,649
Lahore Division	{	Lahore	...	...	...	186,884
		Amritsar	...	...	...	161,039
		Sialkot	...	...	...	45,374
Rawalpindi Division	...	Rawalpindi	...	...	...	47,077
Multan Division	...	Multan	...	...	...	74,627

I would give four members, one each to Delhi, Jullundur, and Lahore Divisions, and one alternately to Rawalpindi and Multan, and let the members be elected by the municipalities of the cities in a division, in the same way as we have done for municipalities in other provinces.

With this alteration it is unnecessary to give special representation to Hindus. They will be sufficiently provided for by the representation of the cities and the University. I would reserve two nominations for other interests, of which one might occasionally be given to Native Christians who are pretty numerous in the Punjab

The full Council would then be as follows :—

A.—Secretaries to Government	...	...	...	4
Financial Commissioner	...	...	...	1
B.—Government Advocate	...	...	...	1
C.—Nominated officials, not exceeding 3	...	...	...	6
D.—Nominated non-officials to represent—				
(a) Mahomedans	...	...	...	3
(b) Sikhs	...	...	...	1
(c) Other interests	...	...	...	2
E.—Elected members—				
(a) Commerce	...	...	...	1

(b) Punjab University	...	...	...	...	1
(c) The larger cities by divisions, <i>viz.</i> , Delhi 1, Jullunder 1, Lahore 1, and Rawalpindi and Multan alternately 1	...	...	...	...	4
					<hr/>
					24
or, including the Lieutenant-Governor	...	...	...	...	25
					<hr/>

The ordinary Council would require only two nominated officials, and two votes on a division would give a Government majority.

This Council gives five representatives of the educated classes and is as advanced as present circumstances in the Punjab demand.

BURMA.

The Council is a mere *namke waste*. I would leave it as proposed by the Lieutenant-Governor, except that I would strike out one official, so that in respect of a majority it may be on the same line as other provinces.

EASTERN BENGAL AND ASSAM.

Full Council.

A.—Secretaries to Government	...	...	...	...	4
Members, Board of Revenue	...	...	...	...	2
B.—Legal Remembrancer	...	...	...	...	1
C.—Nominated officials not exceeding	...	...	...	...	11
D.—Nominated non-officials	...	...	...	...	3
E.—Elected members—					
(a) By municipalities and district and local boards of divisions, <i>viz.</i> , Dacca 2, Chittagong 2, Rajshahi 2, Assam Valley 1, Surma Valley 1	...	...	...	...	8
(b) By landholders	...	...	...	...	2
(c) By Mahomedans	...	...	...	...	2
(d) By the tea interest	...	...	...	...	1
(e) By the jute interest	...	...	...	...	1
(f) By the Commissioners of the Port of Chittagong	...	...	...	...	1
					<hr/>
					36
or, including the Lieutenant-Governor	...	...	...	...	37
					<hr/>

Ordinary Council.

A.—Secretaries to Government and Members, Board of Revenue					6
B.—Legal Remembrancer	...	...	...	...	1
C.—Nominated officials	...	...	...	...	5
D.—Nominated non-officials	...	...	...	...	3
E.—Elected members	...	...	...	...	15
					<hr/>
					30
or, including the Lieutenant-Governor	...	...	...	...	31
					<hr/>

Three votes on a division would give a Government majority independent of the casting vote.

The following is an example of the official members that might be obtained.

Director of Public Instruction	...	...	...	...	1
Commissioner of Dacca	...	...	...	...	1
Inspector-General of Registration	...	...	...	...	1
Accountant-General	...	...	...	...	1
Inspector-General of Police	...	...	...	...	1
					<hr/>
					5
					<hr/>

All of these Councils can be easily formed either as full Councils for special occasions or as working Councils for ordinary times. They give a very fair representation to all interests, and are much in advance of the forecast given in our circular letter.

H. A[DAMSON],—9.8.08.

June 30th, 1892.

LEGISLATIVE.

No. 15.

**To His Excellency The Most Honourable The Governor-General of
India in Council.**

MY LORD MARQUIS,

I FORWARD herewith a copy of the Act recently passed by Parliament to
amend the Statute under which the meet-
Indian Councils Act, 1892. ings of the several Councils in India as-
sembled for the purpose of making laws and regulations have been held since
1861.

2. That Statute imported into the legislative constitution of British India, as a recognized principle of public policy, provisions for the admission into all the Councils, when assembled for the purpose of making laws, of additional Members, Native and European, a certain proportion of whom must be unconnected officially with the executive Governments and who would take an independent and responsible share in the legislation of the country. The anticipations upon which this important step was taken in 1861 have during the past thirty years, been amply fulfilled. There can be no doubt that the Governor General's Council has been relieved of much business which the local Councils, which were then finally established, have proved themselves thoroughly competent to undertake; while the whole legislative system of India has benefited from the presence in the Councils of the additional Members who have brought much ability, experience, and special knowledge to bear upon the discharge of their duties.

3. Upon these considerations and having regard to the progress of administration in recent years, to the material and moral improvement of the country generally, and to the expediency of strengthening the Councils and extending their functions in some proportion with the growing attention in India to public affairs. Her Majesty's Government, after considering the recommendations of Your Excellency and of Your Excellency's predecessor, have induced Parliament to resolve that the Councils may with advantage be enlarged. It has been determined, moreover, upon the same grounds, to relax in some degree those provisions of the original Act which confine the proceedings of the Councils to the discussion and enactment of Bills introduced at their meetings. Accordingly, in the Act which has just become law, certain amendments have been made upon which it is right that I should take this opportunity of recording some observations.

4. It is provided, in the first place, that the additional Members to be summoned by the Governor General to his Council (and by the Governors of Madras and Bombay to the Councils of those Presidencies), when met for the purpose of making laws and regulations, may be augmented up to a limit fixed in the Act. The Governor General is also empowered to make a considerable increase of the number of the Members who may be summoned for the same purpose by the Lieutenant-Governors of Bengal and of the North-West Provinces. Your Excellency will notice that while these Members are to be nominated, as heretofore, by the Governor General, the Governors, and the Lieutenant-Governors, respectively, the Governor General in Council is now authorized, with the approval of the Secretary of State, to make regulations as to the conditions under which such nominations shall be made, and to prescribe the manner in which the regulations shall be carried into effect.

5. In the second place, the Governor General in Council is invested with power to make rules from time to time authorizing the discussion of the annual

Financial Statement, and the asking of questions under such conditions as shall be in the said rules prescribed. The Act also contains similar provisions in regard to the Councils of the Governors and Lieutenant-Governors.

6. I have no doubt that Your Excellency in Council and the several Local Governments will lose no time and spare no pains in considering and preparing the rules necessary for carrying into operation these important provisions, which have been introduced with the avowed objects of bringing the Legislatures into closer relation with the best representatives of public opinion in India, and of multiplying the opportunities for an interchange of views and information between the Governments and their Councils. I need hardly add that the ultimate nominating authority still rests with those to whom it was entrusted by the Statute of 1861, or that the responsibility attaching to the careful exercise of this authority by no means diminishes as the number of the non-official Members is increased, and as the scope of their attributes is enlarged. It appears to me probable, nevertheless, that the diffusion in the more advanced provinces of education and enlightened public spirit, and the recent organization of Local Self-Government, may have provided in some instances ways and means of which the Governments may properly avail themselves in determining the character that shall be given to the representation of the views of different races, classes, and localities. Where corporations have been established with definite powers, upon a recognized administrative basis, or where associations have been formed upon a substantial community of legitimate interests, professional, commercial, or territorial, Your Excellency and the local Governors may find convenience and advantage in consulting from time to time such bodies and in entertaining at your discretion an expression of their views and recommendations with regard to the selection of Members in whose qualifications they may be disposed to confide. It is in full reliance upon the benefits to be expected from enlisting the support and co-operation of competent Members and from a more extensive devolution upon the Provincial Councils of the Legislative business that particularly concerns the populations with whose needs and circumstances these Councils should be specially conversant, that I recommend this Statute to the very careful attention of Your Excellency's Government, and of the other Governments in India whose duty it will be to give effect to its provisions.

I have the honour to be,

MY LORD MARQUIS,

Your Lordship's most obedient humble Servant,

(Signed) CROSS.

FROM

C J. LYALL, ESQ., C.I.E.,

Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.

Home Department.
Public.

Simla, the 15th August 1892.

SIR,

I AM directed to forward, for the information of His Excellency the Governor in Council, a copy of a Despatch, No. 15, Legislative, dated the 30th June 1892, from the Secretary of State, with which His Lordship transmits a copy of the Indian Councils Act, 1892, recently passed in Parliament, and explains the action to be taken to give effect to the measure.

2. It will be observed that by section 1, clause (1), of the Act, the Governor has received authority to increase the number of additional members of Council whom he may nominate for his assistance in making laws and regulations up to a maximum of twenty (besides the Advocate General); while by clause (4) of the same section the Governor General in Council may, from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor, and prescribe the manner in which such regulations shall be carried into effect.

3. The Governor General in Council had already had under consideration, before the receipt of the Secretary of State's Despatch, the nature of the regulations which should be framed for this purpose; and he has now reconsidered the subject with reference to the remarks made in the sixth paragraph of that Despatch. As the exact number of additional members whom the Governor may nominate, within the maximum of twenty and the minimum of eight, is left to His Excellency's discretion, and must be determined before any definite scheme of representation can be drawn up under clause (4) of the section, the observations which follow will be confined to indicating, on the assumption that His Excellency will avail himself of the authority granted to nominate the maximum number, how the representation desired by Her Majesty's Government may be given effect to.

4. I am to enclose for the information of the Governor in Council copies of letters which have been addressed to the Lieutenant-Governors of Bengal and the North-Western Provinces and Oudh on this subject, and of the draft regulations enclosed therein, which explain generally the views which the Government of India are inclined to take. The leading features of the arrangements proposed are (1) that there shall be in the Councils a majority, but only a bare majority, of officials; (2) that the non-official members shall be partly nominated on the recommendation of certain bodies, and partly selected by the Governor at his discretion; (3) that the recommending bodies shall not, except in the case of the Presidency towns, be determined with reference to locality or numbers, but shall be so chosen as to afford a fair representation of all important classes in the community; and (4) that the non-official seats to be filled otherwise than on recommendation shall be held in reserve, with the view of redressing any inequality to which the system of recommendation may lead. These principles, it will be

observed, are in accordance with the views expressed in paragraph 6 of the Secretary of State's Despatch, where the representation is described as that "of different races and classes" and only in the last place of "localities," while the condition required before representation can be accorded to an association is that it has "been formed upon a substantial community of legitimate interests, professional, commercial, or territorial."

5. Assuming that His Excellency the Governor of Madras will increase his Council to the maximum number, it will when all the members (including His Excellency the Commander-in-Chief) attend consist of 25.* If eleven seats were given to non-officials, there would still, even in the absence of the Commander-in-Chief, be an official majority. Of these eleven seats I am to suggest that eight might be filled by recommendation, the remaining three being held in reserve as described in paragraph 5 of the letters to Bengal and the North-Western Provinces and Oudh.

* The Governor
The Commander-in-Chief.
Two members of the Executive Council.
The Advocate General.
Twenty additional members

6 As regards the races and classes in Madras which are of sufficient importance to require representation, I am to enquire whether the Governor in Council has any addition to suggest to the following enumeration:—

- (1) Hindus,
- (2) Muhammadans,
- (3) Non-official Europeans and Eurasians,
- (4) Merchants, traders and manufacturers,
- (5) The population of the Presidency Town,
- (6) The urban classes in the mufassal,
- (7) The rural classes,
- (8) The professional and literary classes,
- (9) The Planting community, or possibly His Excellency in Council may prefer the Nairs of the Western Coast.

If these classes are accepted as sufficiently covering those which require representation, I am to suggest that the eight seats to be filled by recommendation might be allotted as shewn below:—

To the Corporation of Madras	...	...	...	...	1
To Mufassal Municipalities	...	...	...	...	2
To District Boards or Associations of landholders	...	...	...	...	2
To Zamindars paying a minimum of revenue	...	...	...	...	1
To the Madras Chamber of Commerce	...	...	...	...	1
To the Madras University	...	...	...	...	1

If His Excellency the Governor in Council is of opinion that the above distribution would afford a fair basis for representation, I am to request that a set of rules based upon it, and upon the regulations proposed for Bengal and the North-Western Provinces and Oudh, may be prepared and submitted for the consideration of the Government of India.

7. The Governor General in Council believes that the Local Legislative Councils, as reconstituted in each province under the rules now to be made, will afford the best agency by which recommendations for seats in the enlarged Council of the Governor General for making laws and regulations can be furnished. For this and other reasons I am to ask that the suggestions now made may receive very early consideration from the Government of Madras, so that no time may be lost in applying to the Secretary of State for his approval, which is necessary before effect can be given to the regulations.

8. Section 2 of the Act enables the Governor in Executive Council, with the sanction of the Governor General in Council, to make rules for authorising at any meeting of his Council for the purpose of making laws and regulations—

- (1) the discussion of the annual financial statement of the Local Government,
- (2) the asking of questions,

under such conditions and restrictions, as to subject or otherwise, as shall in the said rules be prescribed or declared. I am to enclose a draft of the rules which the Governor General in Council proposes to make on these subjects for observance in the Legislative Council of the Governor General, and to enquire how far the Government of Madras desire to adopt them, or what other rules they would prefer.

9. As regards the rules relating to the financial statement, I am to observe that the discussion will necessarily, as required by the Act, have to be limited to those branches of revenue and expenditure which are under the control of the Local Government, and that it will not be permissible in a Local Council to enter upon a criticism of Imperial Finance; any such criticism for which the proper place is the Governor General's Council, should at once be checked by the President. The object of permitting a discussion is to afford the Local Government information as to the manner in which its financial arrangements are viewed by the most enlightened opinion in the Presidency, and thus to furnish the means, when provision for future years is being considered, of meeting objections and removing defects which the discussion may bring to light in its fiscal administration.

10. With reference to the rules for questions, I am to say that the only restrictions which the Government of India think it necessary at present to lay down, in addition to those contained in Rule 3 and the general power of rejection given to the President in Rule 4 of the draft herewith forwarded, are (1) that in Local Councils no question shall be asked or answered as to any matters or branches of the administration other than those under the control of the Local Government and (2) that, except as to matters of fact, no question shall be asked or answered relating to matters which are or have been the subject of controversy between the Local Government and the Government of India or the Secretary of State.

From Home Department, Nos. $\frac{19}{865-869}$, dated 6th May 1878.

Home Department Resolution No. $\frac{5}{432-448}$, dated 4th March 1889

In regard to the latter restriction, I am to refer to the correspondence noted in the margin, and to say that, in dealing with questions affecting matters which have formed the subject of discussion between them and the Government of India or the Secretary of State, the Heads of Local Governments will be expected to maintain a reserve similar to that at present imposed on the communication of correspondence relating to such matters to the Public Press.

I have the honour to be,

SIR,

Your most obedient Servant,

C. J. LYALL,

Secretary to the Government of India.

FROM

C. J. LYALL, ESQ, C.I.E.,

Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF

BOMBAY.

Home Department.
Public

Simla, the 15th August 1892.

SIR,

I AM directed to forward, for the information of His Excellency the Governor in Council, a copy of a Despatch, No. 15, Legislative, dated the 30th June 1892, from the Secretary of State, with which His Lordship transmits a copy of the Indian Councils Act, 1892, recently passed in Parliament, and explains the action to be taken to give effect to the measure.

2. It will be observed that by section 1, clause (1), of the Act, the Governor has received authority to increase the number of additional members of Council whom he may nominate for his assistance in making laws and regulations up to a maximum of twenty (besides the Advocate General); while by clause (4) of the same section the Governor General in Council may, from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor, and prescribe the manner in which such regulations shall be carried into effect.

3. The Governor General in Council had already had under consideration, before the receipt of the Secretary of State's Despatch, the nature of the regulations which should be framed for this purpose; and he has now reconsidered the subject with reference to the remarks made in the sixth paragraph of that Despatch. As the exact number of additional members whom the Governor may nominate, within the maximum of twenty and the minimum of eight, is left to His Excellency's discretion, and must be determined before any definite scheme of representation can be drawn up under clause (4) of the section, the observations which follow will be confined to indicating, on the assumption that His Excellency will avail himself of the authority granted to nominate the maximum number, how the representation desired by Her Majesty's Government may be given effect to.

4. I am to enclose for the information of the Governor in Council copies of letters which have been addressed to the Lieutenant-Governors of Bengal and the North-Western Provinces and Oudh on this subject, and of the draft Regulations enclosed therein, which explain generally the views which the Government of India are inclined to take. The leading features of the arrangements proposed are (1) that there shall be in the Councils a majority, but only a bare majority, of officials; (2) that the non-official members shall be partly nominated on the recommendation of certain bodies, and partly selected by the Governor at his discretion; (3) that the recommending bodies shall not, except in the case of the Presidency towns, be determined with reference to locality or numbers, but shall be so chosen as to afford a fair representation of all important classes in the community; and (4) that the non-official seats to be filled otherwise than on recommendation shall be held in reserve, with the view of redressing any inequality to which the system of recommendation may lead. These principles, it will be

observed, are in accordance with the views expressed in paragraph 6 of the Secretary of State's Despatch, where the representation is described as that "of different races and classes" and only in the last place of "localities," while the condition required before representation can be accorded to an association is that it has "been formed upon a substantial community of legitimate interests, professional, commercial, or territorial."

5. Assuming that His Excellency the Governor of Bombay will increase his Council to the maximum number, it will when all the members (including His Ex-

* The Governor.
The Commander-in-Chief
Two members of the Executive Council.
The Advocate General.
Twenty additional members.

cency the Commander-in-Chief) attend consist of 25.* If eleven seats were given to non-officials, there would still, even in the absence of the Commander-in-Chief,

be an official majority. Of these eleven seats I am to suggest that eight might be filled by recommendation, the remaining three being held in reserve as described in paragraph 5 of the letters to Bengal and the North-Western Provinces and Oudh.

6. As regards the races and classes in Bombay which are of sufficient importance to require representation, I am to enquire whether the Governor in Council has any addition to suggest to the following enumeration :—

- (1) Hindus.
- (2) Muhammadans.
- (3) Parsis.
- (4) Non-official Europeans and Eurasians.
- (5) Merchants traders and manufacturers.
- (6) The population of the Presidency Town.
- (7) The urban classes in the mufassal.
- (8) The rural classes.
- (9) The professional and literary classes.

If these classes are accepted as sufficiently covering those which require representation, I am to suggest that the eight seats to be filled by recommendation might be allotted as shewn below :—

To the Corporation of Bombay	.	...	...	1
To Mufassal Municipalities	...	...	...	2
To District Boards or Associations of landholders	...	...	...	2
To large landholders (<i>e.g.</i> , the Khots of Ratnagiri, the Talukdars of Gujarat, the Sardars of the Deccan)	.	...	...	1
To the Bombay Chamber of Commerce	...	...	...	1
To the Bombay University	...	...	...	1

If His Excellency the Governor in Council is of opinion that the above distribution would afford a fair basis for representation, I am to request that a set of rules based upon it, and upon the regulations proposed for Bengal and the North-Western Provinces and Oudh, may be prepared and submitted for the consideration of the Government of India.

7. The Governor General in Council believes that the Local Legislative Councils, as reconstituted in each province under the rules now to be made, will afford the best agency by which recommendations for seats in the enlarged Council of the Governor General for making laws and regulations can be furnished. For this and other reasons I am to ask that the suggestions now made may receive very early consideration from the Government of Bombay, so that no time may be lost in applying to the Secretary of State for his approval, which is necessary before effect can be given to the regulations.

8. Section 2 of the Act enables the Governor in Executive Council, with the sanction of the Governor General in Council, to make rules for authorising at any meeting of his Council for the purpose of making laws and regulations—

- (1) the discussion of the annual financial statement of the Local Government,

(2) the asking of questions,

under such conditions and restrictions, as to subject or otherwise, as shall in the said rules be prescribed or declared. I am to enclose a draft of the rules which the Governor General in Council proposes to make on these subjects for observance in the Legislative Council of the Governor General, and to enquire how far the Government of Bombay desire to adopt them, or what other rules they would prefer.

9. As regards the rules relating to the financial statement, I am to observe that the discussion will necessarily, as required by the Act, have to be limited to those branches of revenue and expenditure which are under the control of the Local Government, and that it will not be permissible in a Local Council to enter upon a criticism of Imperial Finance; any such criticism, for which the proper place is the Governor General's Council, should at once be checked by the President. The object of permitting a discussion is to afford the Local Government information as to the manner in which its financial arrangements are viewed by the most enlightened opinion in the Presidency, and thus to furnish the means, when provision for future years is being considered, of meeting objections and removing defects which the discussion may bring to light in its fiscal administration.

10. With reference to the rules for questions, I am to say that the only restrictions which the Government of India think it necessary at present to lay down, in addition to those contained in Rule 3 and the general power of rejection given to the President in Rule 4 of the draft herewith forwarded, are (1) that in Local Councils no question shall be asked or answered as to any matters or branches of the administration other than those under the control of the Local Government; and (2) that, except as to matters of fact, no question shall be asked or answered relating to matters which are or have been the subject of controversy between the Local Government and the Government of India or the Secretary of

From Home Department Nos $\frac{19}{860-809}$, dated
6th May 1878

Home Department Resolution No $\frac{5}{432-448}$,
dated 4th March 1889

State. In regard to the latter restriction, I am to refer to the correspondence noted in the margin, and to say that, in dealing with questions affecting matters which have formed the subject of discussion between them and the Government of India or the Secretary of State, the Heads of the Local Governments will be expected to maintain a reserve similar to that at present imposed on the communication of correspondence relating to such matters to the Public Press.

I have the honour to be,

SIR,

Your most obedient servant,

C. J. LYALL,

Secretary to the Government of India.

FROM

C. J LYALL, Esq., C.I.E.,

Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
BENGAL.

Home Department.
Public.

Simla, the 15th August 1892.

SIR,

I AM directed to forward, for the information of the Lieutenant-Governor, a copy of a Despatch, No. 15, Legislative, dated the 30th June 1892, from the Secretary of State, with which His Lordship transmits a copy of the Indian Councils Act, 1892, recently passed in Parliament; and explains the action to be taken to give effect to the measure.

2 It will be observed that by section 1, clause (2), of the Act, the Governor General in Council is empowered by proclamation from time to time to increase the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations up to a maximum of twenty, while by clause (4) of the same section the Governor General in Council may, from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Lieutenant-Governor, and prescribe the manner in which such regulations shall be carried into effect.

3. The Governor General in Council had carefully considered, before the receipt of the Secretary of State's Despatch, the nature of the regulations which should be framed for this purpose; and he has reconsidered the subject with reference to the remarks made in the sixth paragraph of that Despatch. I am now to enclose for any remarks which his Honour the Lieutenant-Governor may wish to offer a draft of the provisions which appear to the Government of India to be suitable.

4. It will be noticed in the first place that it is proposed at once to proclaim the maximum number of twenty as that up to which the Lieutenant-Governor may make nominations. It will be necessary to secure a majority of official members, and this will be attained by having ten officials (in addition to the Lieutenant-Governor) out of the twenty. As regards the remaining members, it appears to the Governor General in Council that the nature of the representation most suitable to this country is rather that of races and classes than of localities or numbers, and this view is in general accordance with the explanation of the intentions of Her Majesty's Government given in the sixth paragraph of the Despatch. The small number of non-official members which it is possible to appoint in itself forbids any extensive scheme of territorial representation; while any system of voting by majorities would certainly, in most localities in Bengal, tend to the exclusion from representation of important sections of the community. Bearing these considerations in mind, and in particular the constitution of society in this country, the Government of India have come to the conclusion that it is not desirable, except in the case of the Presidency towns, to deal with the population of particular localities as a whole, or to allot any particular seat to particular areas. In order to carry out the

intention of Parliament that all important classes shall be represented on the Council, it is necessary in the first place to determine what classes are of sufficient importance to require representation. In the opinion of the Governor General in Council, these classes may be defined as the following in the Lower Provinces of Bengal :—

- (1) Hindus.
- (2) Muhammadans.
- (3) Non-official Europeans and Eurasians.
- (4) Merchants, traders and manufacturers.
- (5) The Planting community.
- (6) The population of the Presidency Town.
- (7) The urban classes of the mufassal.
- (8) The rural classes.
- (9) The professional and literary classes.

The above, it will be observed, is a cross-division : a person representing the professional or urban classes may also represent the Hindus ; and a person representing the rural classes may also represent the Muhammadans. But in the opinion of the Government of India each of these classes should be represented in the Council, and the regulations have been drawn up with the object of securing this result.

5. Of the ten seats which remain after deducting the ten officials it is proposed to fill eight by recommendation. The remaining two will be held in reserve by the Lieutenant-Governor, and will be filled, as may be necessary, by nomination. The object of this reservation is to provide for the eventuality which may arise if no member of any of the classes mentioned above is chosen by recommendation. If all the nine classes are efficiently represented in the eight nominees provided for by article II of the regulations, it will not be necessary for the Lieutenant-Governor to exercise his powers under article III ; if any class is not so represented, its place will be filled by nomination under this provision. Probably one of the two remaining seats will ordinarily suffice for this purpose, and the other may then be kept in reserve. The reservation of a seat in this manner will enable the Government to provide itself with the assistance of an expert for the consideration of a particular measure or series of measures, or to redress the balance of representation in the event of its being disturbed by a change due to the selection, on a vacancy occurring, of a candidate belonging to a class different from that of the person to whom he succeeds.

6. The distribution of the eight seats mentioned in article II should, the Government of India consider, ordinarily be as follows :—

A.—The Corporation of Calcutta	...	...	...	1
B.—The urban classes of the mufassal	...	...	...	2
C.—The District Boards, representing the rural classes	...	...	...	1
D.—The great zamindars	...	...	...	1
E.—The Mercantile classes	...	...	...	1
F.—The Planting community	...	...	...	1
G.—The University, representing the professional classes	...	...	...	1

It has not, however, been thought expedient to lay down this distribution in the regulations, as it is conceivable that the case may arise of two rural and one urban member being required, or one of the urban seats may be sufficiently represented by a member recommended by the Senate of the University. The Governor General in Council thinks that it is desirable, at any rate at the outset, to leave the Lieutenant-Governor as much freedom of adapting the rules to circumstances as is possible. It will be seen that article II leave it to His Honour, subject to the proviso that the urban and rural classes must be represented, to adopt several different methods of representation. To obtain an urban member, for instance, he might in one year appoint Dacca as the municipality whose recommendation will be received, in another year Patna, in a third Bhágpálpur, in a fourth Cuttack, and so on ; or he might decide to gather

together representatives from the larger municipalities in the province (from the most important town in each division, or from all towns having a certain limit of population) and require them to make a recommendation—either by voting in some central place, or by sending in voting papers to the Commissioner.

A similar course might be followed at the Local Government's discretion with the District Boards. Or, instead of resorting to these bodies for representatives of rural interests, His Honour might have recourse to the British Indian Association, which, the Government of India believe, very effectively represents landed interests in Bengal. The Government of India are, however, doubtful whether it might not be expedient to substitute this body for the great zamindars provided under Head D.

As a body to furnish a commercial representative the Calcutta Chamber of Commerce naturally suggests itself. It is believed that this body has hitherto ordinarily had one representative on His Honour's Council, and the Trades Association another. In future, however, some method can perhaps be devised by which these two bodies could join in selecting a representative, and I am to invite the Lieutenant-Governor's views as to the best way in which this could be done. The Planting community might be represented by a seat filled on the joint recommendation of the Indigo Planters' Association, the Tea Districts Association, and the Silk Association. In the cases of Associations not established by law, however (such as those just mentioned), it appears to the Government of India essential that no such Association should be prescribed as a recommending body unless the Lieutenant-Governor is satisfied (1) that it is constituted *bona fide* for the protection of the interests of the classes concerned, and (2) that all members of those classes are free to join it. This condition is indispensable, as otherwise Associations constituted purely on a political basis might be expected to spring up for the purpose of securing representation for particular opinions, instead of for substantial interests.

Finally, I am to observe that in the present tentative and experimental stage of the problem, it is most desirable to avoid taking any step which will not, if found to be injudicious, be readily capable of revocation. With this object, the rules have been made as elastic as possible.

7. The Government of India believe that the Local Legislative Councils, as reconstituted in each province under the rules now to be made, will afford the best agency by which recommendations for seats in the enlarged Council of the Governor General for making laws and regulations can be furnished. For this and other reasons I am to ask that the draft now sent may receive very early consideration from His Honour the Lieutenant-Governor, so that no time may be lost in applying to the Secretary of State for his approval, which is necessary before effect can be given to the regulations.

8. Section 2 of the Act enables the Lieutenant-Governor, with the sanction of the Governor General in Council, to make rules for authorising at any meeting of his Council for the purpose of making laws and regulations—

(1) the discussion of the annual financial statement of the Local Government,

(2) the asking of questions,

under such conditions and restrictions, as to subject or otherwise, as shall in the said rules be prescribed or declared. I am to enclose a draft of such rules as the Governor General in Council would, if they were submitted by the Lieutenant-Governor, be prepared to sanction, and to enquire how far His Honour desires to adopt them, or what other rules he would prefer.

9. As regards the rules relating to the financial statement, I am to observe that the discussion will necessarily, as required by the Act, have to be limited to those branches of revenue and expenditure which are under the control of the Local Government, and that it will not be permissible in a Local Council to enter upon a criticism of Imperial Finance; any such criticism, for which the proper place is the Governor General's Council, should at once be checked by the President. The object of permitting a discussion is to afford

the Local Government information as to the manner in which its financial arrangements are viewed by the most enlightened opinion in the province, and thus to furnish the means, when provision for future years is being considered, of meeting objections and removing defects which the discussion may bring to light in its fiscal administration.

10. The rules regarding questions are based upon those which the Governor General in Council has framed for observance in the Council of the Governor General for making laws and regulations. The first rule contains the only restrictions which the Government of India think it necessary, until further experience has been gained, to impose on the subjects regarding which questions may be asked. With reference to the second clause of this rule, I am to refer

From Home Department Nos. $\frac{19}{860-869}$, dated 6th May 1878.

Home Department Resolution No. $\frac{5}{432-448}$, dated 4th March 1889.

to the correspondence noted in the margin, and to say that, in dealing with questions affecting matters which have formed the subject of discussion between them and the Government of India or the Secretary of State, the Heads of Local Governments

will be expected to maintain a reserve similar to that at present imposed on the communication of correspondence relating to such matters to the Public Press.

I have the honour to be,

SIR,

Your most obedient Servant,

C. J. LYALL,

Secretary to the Government of India.

*Draft regulations under section 1 (4) of the
Indian Councils Act, 1892, for Bengal.*

I.—The Lieutenant-Governor of Bengal has been authorised by the proclamation of the Governor General in Council in the Home Department, No. dated , to nominate twenty Councillors for his assistance in making laws and regulations. Of these twenty Councillors not more than ten shall be officials.

II.—The nominations to eight seats shall be made by the Lieutenant-Governor on the recommendation of the following bodies and associations respectively, namely,—

A.—The Corporation of Calcutta.

B.—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of Calcutta as the Lieutenant-Governor may from time to time prescribe by notification in the Calcutta Gazette.

C —Such District Boards, or group or groups of District Boards, or Association or Associations of landholders (whether landlords or tenants) as the Lieutenant-Governor may from time to time prescribe as aforesaid.

D.—Zamindars paying not less than such minimum land revenue annually as the Lieutenant-Governor may from time to time prescribe as aforesaid.

E —Such Association or Associations of merchants, manufacturers or tradesmen as the Lieutenant-Governor may from time to time prescribe as aforesaid.

F.—Such Association or Associations of persons engaged in tea-planting, indigo-planting, silk growing, or other agricultural industries, as the Lieutenant Governor may from time to time prescribe as aforesaid.

G —The Senate of the University of Calcutta.

III.—The Lieutenant-Governor may at his discretion nominate persons to such of the remaining seats as shall not be reserved for officials in such manner as shall in his opinion secure a fair representation of the different classes of the community.

IV.—When a vacancy occurs and is to be filled under paragraph II of these regulations, the Lieutenant-Governor shall cause the proper body or group of bodies or Association or Associations to be re-

requested in such manner as he shall think most suitable to recommend a person to be nominated by the Lieutenant-Governor.

V.—The recommendation shall be made—

(a) in the case of a Municipal Corporation or of a District Board, or of a body of Zamindars, or of the Senate of the University, by a majority of votes of the Corporation, Board, body or Senate respectively ;

(b) in the case of a group of Municipal Corporations or of District Boards, by the majority of votes of representatives to be appointed, according to such scale as the Lieutenant-Governor may prescribe, by the Corporations or Boards ;

(c) in the case of Associations not established by law, in the manner laid down in their rules or articles of Association for carrying resolutions or recording decisions upon questions of business brought before the Association or body.

VI.—It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person ordinarily resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

VII.—No person actually in the service of Government shall be eligible for recommendation as a representative of any of the bodies or Associations mentioned in paragraph II under the heads A, B, C, D, E and F.

VIII.—If within a month after receiving the request of the Lieutenant-Governor as provided by paragraph IV the body or Association or group of bodies or Associations fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion a person belonging to the class which the body or Association or group is deemed to represent.

IX.—The Lieutenant-Governor may reject any recommendation made under these regulations. In case of such rejection, a fresh request shall be issued as provided in paragraph IV, and the procedure laid down in paragraphs V and VIII shall apply.

Rules for the discussion of the Financial Statement.

LOCAL COUNCILS.

1. The Financial Statement of the Local Government shall be explained in Council every year, and a printed copy given to each Member.

2. After the explanation has been made each Member shall be at liberty to offer any observations he may wish to make on the Statement.

3. The Member who explained the Statement shall have the right of reply, and the discussion shall be closed by the President making such observations, if any, as he may consider necessary.

LOCAL COUNCILS.

1. No question shall be asked or answered in the Council of the Lieutenant-Governor, at a meeting of the Council for the purpose of making laws and regulations, as to any matters or branches of the administration other than those under the control of the Lieutenant-Governor; and, except as to matters of fact, no question shall be asked or answered relating to matters which are or have been the subject of controversy between the Governor General in Council and the Local Government.

2. Except as provided above any question may be asked by any Member subject to the following conditions and restrictions.

3. A Member who wishes to ask a question shall give at least three clear days' notice in writing to the Secretary of the Council, submitting in full the question which he wishes to ask.

4. Questions must be so framed as to be merely requests for information, and must not be in an argumentative form or defamatory of any person or section of the community.

5. The President may disallow any question without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests; and in such case the question shall not be entered in the Proceedings of the Council.

6. The President may, if he thinks fit, allow a question to be asked with shorter notice than three days; and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

7. When the President has permitted the question to be asked, it shall be read by the Member by whom it was framed, or in his absence, if he so desires, by some other Member in his behalf, and the answer shall be given either by the President or some other Member whom he may designate for the purpose.

8. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

9. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

FROM

C. J. LYALL, ESQ., C.I.E.,

Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF THE
NORTH-WESTERN PROVINCES AND OUDH.

Home Department.
Public.

Simla, the 15th August 1892.

SIR,

I AM directed to forward, for the information of the Lieutenant-Governor and Chief Commissioner, a copy of a Despatch, No. 15, Legislative, dated the 30th June 1892, from the Secretary of State, with which His Lordship transmits a copy of the Indian Councils Act, 1892, recently passed in Parliament, and explains the action to be taken to give effect to the measure.

2. It will be observed that by section 1, clause (2), of the Act, the Governor General in Council is empowered by proclamation from time to time to increase the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations up to a maximum of fifteen, while by clause (4) of the same section the Governor General in Council may, from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Lieutenant-Governor, and prescribe the manner in which such regulations shall be carried into effect.

3. The Governor General in Council had carefully considered, before the receipt of the Secretary of State's Despatch, the nature of the regulations which should be framed for this purpose; and he has reconsidered the subject with reference to the remarks made in the sixth paragraph of that Despatch. I am now to enclose for any remarks which His Honour the Lieutenant-Governor may wish to offer a draft of the provisions which appear to the Government of India to be suitable.

4. It will be noticed in the first place that it is proposed at once to proclaim the maximum number of fifteen as that up to which the Lieutenant-Governor may make nominations. It will be necessary to secure a majority of official members, and this will be attained by having seven officials (in addition to the Lieutenant-Governor) out of the fifteen. As regards the remaining members, it appears to the Governor General in Council that the nature of the representation most suitable to this country is rather that of races and classes than of localities or numbers, and this view is in general accordance with the explanation of the intentions of Her Majesty's Government given in the sixth paragraph of the Despatch. The small number of non-official members which it is possible to appoint in itself forbids any extensive scheme of territorial representation; while any system of voting by majorities would certainly, in most localities in the North-Western Provinces and Oudh, tend to the exclusion from representation of important sections of the community. Bearing these considerations in mind, and in particular the constitution of society in this country, the Government of India have come to the conclusion that it is not desirable, except in the case of the Presidency towns, to deal with the population of particular localities as a whole or to allot any particular seat to particular areas. In order to carry out the intention of Parliament that all important classes shall be represented on the Council, it is necessary in the first place to determine what classes are of sufficient importance to require representation. In the opinion of the Governor

General in Council, these classes may be defined as the following in the North-Western Provinces and Oudh :—

- (1) Hindus.
- (2) Muhammadans.
- (3) Non-official Europeans and Eurasians.
- (4) Merchants, traders and manufacturers.
- (5) Urban classes.
- (6) Rural classes.
- (7) Professional and literary classes.

The above, it will be observed, is a cross-division: a person representing the professional or urban classes may also represent the Hindus; and a person representing the rural classes may also represent the Muhammadans. But in the opinion of the Government of India each of these classes should be represented in the Council, and the regulations have been drawn up with the object of securing this result.

5. Of the eight seats which remain after deducting the seven officials it is proposed to fill six by recommendation. The remaining two will be held in reserve by the Lieutenant-Governor, and will be filled, as may be necessary, by nomination. The object of this reservation is to provide for the eventuality which may arise if no member of any of the first three classes mentioned above is chosen by recommendation. If all the seven classes are efficiently represented in the six nominees provided for by article II of the regulations, it will not be necessary for the Lieutenant-Governor to exercise his powers under article III; if any class is not so represented, its place will be filled by nomination under this provision. Probably one of the two remaining seats will ordinarily suffice for this purpose, and the other may then be kept in reserve. The reservation of a seat in this manner will enable the Government to provide itself with the assistance of an expert for the consideration of a particular measure or series of measures, or to redress the balance of representation in the event of its being disturbed by a change due to the selection, on a vacancy occurring, of a candidate belonging to a class different from that of the person to whom he succeeds.

6. The distribution of the six seats mentioned in article II should, the Government of India consider, ordinarily be as follows :—

A.—Urban classes	...	...	...	...	2
B.—Rural classes	...	...	...	...	2
C.—Mercantile classes	...	...	...	...	1
D.—Professional classes	...	...	..	...	1

It has not, however, been thought expedient to lay down this distribution in the regulations, as it is conceivable that the case may arise of three rural and one urban member being required, or *vice versa*, or one of the urban seats may be sufficiently represented by a member recommended by the Chamber of Commerce. The Governor General in Council thinks that it is desirable, at any rate at the outset, to leave the Lieutenant-Governor as much freedom of adapting the rules to circumstances as is possible. It will be seen that article II leaves it to His Honour, subject to the proviso that the urban and rural classes must be represented, to adopt several different methods of representation. To obtain an urban member, for instance, he might in one year appoint Benares as the municipality whose recommendation will be received, in another year Lucknow, in a third Allahabad, in a fourth Agra or Meerut, and so on; or he might decide to gather together representatives from the larger municipalities in the province (from the most important town in each division, or from all towns having a certain limit of population) and require them to make a recommendation—either by voting in some central place, or by sending in voting papers to the Commissioner.

A similar course might be followed at the Local Government's discretion with the District Boards. Or, instead of resorting to these bodies for representatives of rural interests, His Honour might have recourse to the British Indian Association of Lucknow, which, the Government of India believe, very effectively represents landed interests in Oudh.

In the case of Associations not established by law, however (such as that just mentioned), it appears to the Government of India essential that no such Association should be prescribed as a recommending body unless the Lieutenant-Governor

is satisfied (1) that it is constituted *bonâ fide* for the protection of the interests of the classes concerned, and (2) that all members of those classes are free to join it. This condition is indispensable, as otherwise Associations constituted purely on a political basis might be expected to spring up for the purpose of securing representation for particular opinions, instead of for substantial interests.

Finally, I am to observe that in the present tentative and experimental stage of the problem, it is most desirable to avoid taking any step which will not, if found to be injudicious, be readily capable of revocation. With this object the rules have been made as elastic as possible.

7. The Government of India believe that the Local Legislative Councils, as reconstituted in each province under the rules now to be made, will afford the best agency by which recommendations for seats in the enlarged Council of the Governor General for making laws and regulations can be furnished. For this and other reasons I am to ask that the draft now sent may receive very early consideration from his Honour the Lieutenant-Governor, so that no time may be lost in applying to the Secretary of State for his approval, which is necessary before effect can be given to the regulations.

8. Section 2 of the Act enables the Lieutenant-Governor, with the sanction of the Governor General in Council, to make rules for authorising at any meeting of his Council for the purpose of making laws and regulations—

(1) the discussion of the annual financial statement of the Local Government,

(2) the asking of questions,

under such conditions and restrictions, as to subject or otherwise, as shall in the said rules be prescribed or declared. I am to enclose a draft of such rules as the Governor General in Council would, if they were submitted by the Lieutenant-Governor, be prepared to sanction, and to enquire how far His Honour desires to adopt them, or what other rules he would prefer.

9. As regards the rules relating to the financial statement, I am to observe that the discussion will necessarily, as required by the Act, have to be limited to those branches of revenue and expenditure which are under the control of the Local Government, and that it will not be permissible in a Local Council to enter upon a criticism of Imperial Finance; any such criticism, for which the proper place is the Governor General's Council, should at once be checked by the President. The object of permitting a discussion is to afford the Local Government information as to the manner in which its financial arrangements are viewed by the most enlightened opinion in the province, and thus to furnish the means, when provision for future years is being considered, of meeting objections and removing defects which the discussion may bring to light in its fiscal administration.

10. The rules regarding questions are based upon those which the Governor General in Council has framed for observance in the Council of the Governor General for making laws and regulations. The first rule contains the only restrictions which the Government of India think it necessary, until further experience has been gained, to impose on the subjects regarding which questions may be asked. With reference to the second clause of this rule, I am to refer

From Home Department, Nos. $\frac{10}{860-869}$, dated 6th May 1878.

Home Department Resolution No. $\frac{5}{432-448}$, dated 4th March 1889

to the correspondence noted in the margin, and to say that, in dealing with questions affecting matters which have formed the subject of discussion between them and the Government of India or the Secretary of State, the Heads of Local Governments

will be expected to maintain a reserve similar to that at present imposed on the communication of correspondence relating to such matters to the Public Press.

I have the honour to be,

SIR,

Your most obedient servant,

C. J. LYALL,

Secretary to the Government of India.

*Draft regulations under Section 1 (4) of
the Indian Councils Act, 1892, for the
North-Western Provinces and Oudh.*

I.—The Lieutenant-Governor of the North-Western Provinces and Oudh has been authorised by the Proclamation of the Governor General in Council in the Home Department, No. , dated , to nominate fifteen Councillors for his assistance in making laws and regulations. Of these fifteen Councillors not more than seven shall be officials.

II.—The nominations to six seats shall be made by the Lieutenant-Governor on the recommendation of the following bodies and associations respectively, namely,—

A.—Such Municipal Boards or Committees or group or groups of Municipal Boards or Committees as the Lieutenant-Governor may from time to time prescribe by Notification in the Government Gazette for the North-Western Provinces and Oudh ;

B.—Such District Boards, or group or groups of District Boards, or Association or Associations of landholders (whether landlords or tenants) as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

C.—Such Association or Associations of merchants, manufacturers or tradesmen as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

D.—The Senate of the University of Allahabad :

Provided that the bodies described above under A, B, C and D respectively shall each (except as hereinafter provided in Article VIII) have at least one Councillor nominated upon its recommendation, and C and D not more than one each.

III.—The Lieutenant Governor may at his discretion nominate persons, to such of the remaining seats as shall not be reserved for officials in such manner as shall, in his opinion secure a fair representation of the different classes of the community.

IV.—When a vacancy occurs and is to be filled under paragraph II of these regulations, the Lieutenant-Governor shall cause the proper body or group of bodies or

Association or Associations to be requested through the Commissioner of the Division to recommend a person to be nominated by the Lieutenant-Governor.

V.—The recommendation shall be made—

- (a) in the case of a Municipal Board or Committee or of a District Board, or of the Senate of the University by a majority of votes of the Board, Committee, or Senate respectively ;
- (b) in the case of a group of Municipal Boards or Committees or District Boards, by the majority of votes of representatives to be appointed, according to such scale as the Lieutenant-Governor may prescribe, by the Boards or Committees ;
- (c) in the case of Associations or bodies not established by law, in the manner laid down in their rules or articles of Association for carrying resolutions or recording decisions upon questions of business brought before the Association or body.

VI.—It shall be a condition in the case of any person to be recommended by a Municipal Board or Committee or group of Municipal Boards or Committees that he shall be a person ordinarily resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

VII —No person actually in the service of Government shall be eligible for recommendation as a representative of any of the bodies or Associations mentioned in paragraph II under the heads A, B, and C.

VIII.—If within a month after receiving the request of the Lieutenant-Governor as provided by paragraph IV the body or Association or group of bodies or Associations fails to make a recommendation, the Lieutenant Governor may nominate at his discretion a person belonging to the class which the body or Association or group is deemed to represent.

IX.—The Lieutenant-Governor may reject any recommendation made under these regulations. In case of such rejection, a fresh request shall be issued as provided in paragraph IV, and the procedure laid down in paragraphs V and VIII shall apply.

I shall endeavour to deal with this most important matter as briefly as I can. I think that in paragraph 21 of His Excellency the Viceroy's note the mandate under which we are called upon to act has been clearly and correctly summarised: and that we ought not and need not go beyond the lines therein laid down. It appears to me also beyond dispute that in resolving to deal first with the Local Councils His Excellency has come to a wise decision. It is only necessary therefore to discuss the regulations which are to be made under section 1, sub-section (4), of the Act, and the rules to be made under section 2.

2. The rules do not appear to me to involve much difficulty, and the drafts prepared in the Home Office will enable the Council to come to an agreement upon them without much discussion. I will not waste the present time by criticising them beyond saying that I think it is expedient not to allow discussions on questions asked and answered, even with the President's leave; and secondly that it should be made clear that the Provincial financial statements cannot be discussed until they have been submitted to the Government of India in the Finance Department and accepted. If the discussion is previous to such acceptance, I anticipate inconvenience will arise both from delay and other causes. The discussion should be confined to that portion of the finance of the province for which the Local Government is responsible.

3. The difficulty of framing regulations under section 1, sub-section (4), which shall in some way recognize the elective principle while at the same time affording anything like a fair representation of the "upright and intelligent opinion" of the different important sections of the people is literally immense. It is due to the fact, which, however it may be glossed over, cannot be concealed when we come to the test of action, that any system of election in the government of the country is absolutely foreign to the feelings and habits of the people, and inconsistent not only with the fundamental principles of English rule in India but with the constitution of society in this country. Sir Auckland Colvin's minute of June 11th, 1889, gives a very true picture of the

political state of the North-Western Provinces : and it will apply equally to the Central Provinces, with this difference, perhaps, that the majority of the leaders of what Sir A. Colvin calls the literary party are foreigners, Bengalee pleaders or Mahratta Brahmins, who have no substantial interests in the province. What little I know of the Punjab leads me to think that matters are very much the same there. There is this inherent difficulty in trying to get a representative body by election in this country, that the really representative men will not come forward and will not canvass for appointments. The great majority of persons to whom votes are given look upon the business with suspicion or at any rate with indifference; and will not take the necessary trouble to choose and secure the election of suitable persons. On the top of these fundamental difficulties there is another hardly less formidable arising out of the great religious and caste divisions of the community. If we get a man who represents the educated class it is as likely as not that he will also and mainly represent the Kayasth caste, or a section of Brahmins. If we get a representative of the commercial classes he will be above all things a Hindu. The same thing will most likely happen if the landholders are asked to return a member. The powerful Mahommedan community will have very small chance of securing a share in the representation no matter to what municipality or to what district board the election is entrusted. Added to this there is the fact that it is not possible to found a fairly representative system on local or territorial distinctions. It is not the landlords or Mahommedans or Hindus of any particular local area whom it is desired to have represented but the whole body of each class wherever situated.

4. Whatever scheme is adopted we run an imminent risk of getting men who will represent only a small clique with interests opposed to those of the great mass of the people and holding opinions disliked by them. Instead of men representing the upright and intelligent opinion of India we shall have men of the political agitator class, notoriety-hunters working for their own ends and regarded by most of their fellow-countrymen with suspicion and dislike. There is therefore the greatest need of caution in making the first steps, as it will be almost impossible to withdraw any privileges that are given or to disfranchise any class or body to whom the right of naming

a member may be assigned. I think the leading principles should be these :—

- (1) That a majority should be secured to the Government.
- (2) That as far as possible the great sections of the community, whether divided by race, religion or occupation, should be fairly represented.
- (3) That every step taken should be tentative and revocable.

To secure a majority to the Government, I think it is best to have a clear official majority with the President. Thus in a Council of 20, I would have ten officials ; in a Council of 15, seven. It is not, I think, quite safe at first to trust to the nominated members for a majority. When experience has shown that the elected members are as a rule men of reasonable views and not animated with a desire to embarrass the Government, the number of officials may be diminished.

The sections of the community which ought if possible to be represented are—

- (1) English.
- (2) Hindus.
- (3) Mahommedans.
- (4) Parsis in Bombay.
- (5) The mercantile classes.
- (6) The landholders or rural class.
- (7) The educated classes who supply the materials for the learned professions and Government service.

This is a cross division. The same man may represent, for example, the Hindus and the mercantile classes, the Mahommedans and the landlords and so on. It will not therefore be necessary to have a representative for each of these sections ; and therefore a smaller number of representatives will be sufficient.

5. The question is, how are we to devise a reasonable and workable scheme for leaving the choice of representatives to the people themselves ? It is obvious from the numbers assigned to each Council by the Act that the Houses of Parliament never contemplated anything in the shape of territorial representation or the division of the people into electoral constituencies. What is desired is not the representation of local interests or of the various small sections of political or religious opinion, but

that the Government, which must be absolute, shall have the advice and assistance of men who belong to the country, understand the interests and wishes of their countrymen, and can show how they are affected by proposed measures of legislation. I think most persons who know India will admit that this sort of representation would be best secured by a careful selection of men from each class of the community. It is desired, however, to go further and to make it clear that the persons appointed are not the nominees of the Government and that so far as is practicable we are desirous of allowing the great sections of the community a free voice in the election of persons to advise us on their behalf.

If it was our duty to go further and lay the foundation for a large system of electoral districts, I think the proposals of the Lieutenant-Governors of the North-Western Provinces and Bengal indicate the only lines on which it would be easy to proceed. At first I was inclined to advocate some such system on account of the difficulties which will arise from the selection of certain municipalities or certain corporate bodies or associations for the privilege of nominating members. For instance, if the nomination is given to Benares, the Lucknow people will be jealous and will complain, and *vice versa*. In the case of the Presidency towns there is no room for this objection as they stand out by themselves. But there is hardly sufficient difference between the more important municipalities in the interior to justify any preference.

The great point is I think to make it clear that our object is not in any way to secure the representation of merely local interests. If the privilege of recommending a member is given to Benares it is not because a man is wanted who will look after the interests of that city; but because it is desired to get a representative of the Hindu urban population, and a fit man of that class is more likely to be found in Benares than elsewhere.

6. Guided by these principles I would lay down in the regulations that the following classes of the community should be represented on the Council. I take the North-Western Provinces as my example because I know them best:—

- (1) The Hindus.
- (2) The Mahommedans.
- (3) The non-official Europeans.
- (4) The mercantile classes.

- (5) The urban classes.
- (6) The rural population.
- (7) The educated professional classes.

I think, considering the maximum number of members in the North-Western Provinces Council (15), no more minute subdivision of the people is possible. Nor do I think it necessary, keeping in view the position that "it is not expected of us that we shall attempt to create in India a complete or symmetrical system of representation."*

* His Excellency the Viceroy's Minute, paragraph 21 (1).

This classification at that given before involves a cross division. I do not think it either necessary or expedient to give the power of recommending members to any of the three first classes as such. It is not advisable to encourage them to form separate associations for political purposes. Associations so formed would, I fear, be remarkable chiefly for race feeling and religious bigotry. It is most necessary, however, for our purposes to recognize that the interests of these classes are not identical and that no Council will have the confidence of the country at large, if any of them is omitted or is allowed to have undue preponderance.

What I would propose is to give six seats on the North-Western Provinces Council on the recommendation of certain bodies or associations. I do not use the word 'constituency' as it would convey a meaning which is false and which I think should be carefully guarded against.

The six seats I would allot as follows:—

	No. of seats,
A—To the urban classes ...	2
B—To the rural classes ...	2
C—To the mercantile classes ...	1
D—To the educated professional classes . . .	1
	—
Total ...	6
	—

As I have stipulated for seven out of 15 seats to be held by officials, I have still two seats left. These must be retained for the Lieutenant-Governor to be filled at his discretion under one condition which will be stated further on. Now it may happen that the persons (6) recommended to represent A, B, C and D may be three Hindus, two Muhammadans and one non-official European. In this case the religious and race divisions will be adequately represented and the Lieutenant-Governor may hold his two nominations in reserve. It will always be expedient to reserve one of them, as a bye-election may

at any time upset the balance' of race and religious representation. But it is quite possible that A and B and D may return all Hindus. In which case the Lieutenant-Governor must nominate one if not two Mahommedans if the Council is to retain any hold on the confidence of that most powerful, although less numerous and less pushing, section of the people. Hence I would make the Lieutenant-Governor's discretion in nominating to the two seats placed at his disposal subject to the provision that each of the seven classes of the community enumerated in paragraph 6 is represented on the Council.

7. The question then arises as to the bodies which may be assumed to be so fairly representative of the four divisions A, B, C, and D as to justify us in placing the recommendations in their hands. I look upon it in this light—and I think it is most important that this should be clearly understood by all concerned—that if we go to a certain body for a recommendation it is not because we recognize any right in that body as such, whether arising from its local position, its number, or its constitution, to be represented on the Council; but because the Government, in the exercise of the discretion given to it by the law, considers that it will probably by means of that body obtain the services of a proper person to advise it concerning the interests of a certain section of the community. Now there are two classes of "bodies" to which we can turn. There are bodies constituted by the law, *e.g.*, the municipalities and the district boards; and there are bodies which are merely bound together by the will of the members associated without any legal recognition for some common purpose. There are associations of the latter class which it would be very convenient to use, *e.g.*, the British India Association as representing the landlords of Oudh directly, but indirectly of the United Provinces; the Chamber of Commerce at Cawnpore as representing the mercantile classes. If it were possible I would refer to recognise for the purposes of the present business only those bodies which are constituted by law. If one private association is recognised, others which exist or will be formed hereafter will claim equal recognition. The Congress is certain to step into the field, and in fact Mr. A. O. Hume has already called attention to its claims to be used as a medium for introducing the elective principle. It is clear that we cannot recognise societies formed for the purpose of promulgating certain political

creeds. There is also a very proximate danger that a society formed for the reasonable and just protection of the interests of an important class of the community may, if it is given the power of recommending a person for a seat in Council, be transformed into the mouthpiece of a political clique. This danger may to a less degree be apprehended even in the case of a body constituted by law, if that body is small and if it is invested permanently with a right to recommend to a seat in Council. In the case of a municipality, for example, a caucus may be formed to exclude all who do not belong to a certain sect or hold certain political opinions. In Benares we might easily conceive that the municipality might exclude every one who would not take up the abolition of cow-killing and active hostility to Mahommedans as his political creed.

The proposals of Sir Auckland Colvin to form one or two electorates of representatives from all the more important municipalities, guard almost entirely against this danger as it would be almost impossible for political agitators to influence even the majority of municipalities in one direction. But after weighing both sides of the question, I think the disadvantages of starting on an ambitious programme which recognises the formation of local constituencies and territorial representation outweigh the advantages of Sir A. Colvin's plan. The dangers I have referred to may I think be guarded against in other ways.

8. I have laid down as the third principle to keep in view that every step taken should be tentative and revocable. For this reason and in order to guard against the dangers I have just named, I would advise that the regulations under sub-section (4), section I, should be so framed as to leave very considerable freedom to the Governors and Lieutenant-Governors. If it is laid down by regulations, which must have the approval of the Secretary of State, either that an elaborate scheme of election such as that proposed for Bengal or the North-Western Provinces shall be adopted, or that certain named municipalities or bodies shall be asked for recommendations, the canon that I have adopted will be violated. The step will become, if not irrevocable, at least very difficult to retrace, and in the second case the way will be opened for the action of political caucuses. I think the usual practice followed by the Government of India of leaving the details of measures to the

Local Governments should be followed in this difficult matter. The wording of the Act does not, I think, necessitate that the bodies by which recommendations are to be made should be specified. It requires the Governor General in Council (1) to make regulations as to the conditions under which such nominations or any of them shall be made by the Governor General, &c., and (2) to prescribe the manner in which such regulations shall be carried into effect.

I think the first injunction will be adequately fulfilled if (a) the different sections of the community which are to be represented on the Council are named; (b) the number of seats which are to be filled up by recommendation is prescribed; (c) the sections are distributed into classes and the number of the seats allotted to each class is laid down; (d) the sources are determined, by general description not by name, from which recommendations are to be sought; (e) the condition under which the Lieutenant-Governor is to be allowed to nominate without recommendation to the remaining seats is prescribed. The second injunction will, I think, be sufficiently obeyed if regulations are framed similar to those in paragraphs 3—9 inclusive of the Home Department draft.

To make my meaning clearer I add a draft of rules which I think (my principles being accepted) would be suitable to the case of the North-Western Provinces.

9. The number of members in the Council for the purpose of making laws and regulations in the North-Western Provinces shall be 15 besides the President. Of these, seven shall be officials, two shall be non-officials nominated by the Lieutenant-Governor at his discretion, subject to the condition laid down in paragraph IV below.

The remaining six nominations shall be made by the Lieutenant Governor under the following conditions:—

I.—The following sections of the community shall be represented on the Council, provided that one member may represent any two or more sections:—

- (1) Hindus.
- (2) Mahommedans.
- (3) Non-official Europeans.
- (4) Merchants and traders.
- (5) Urban classes.
- (6) Rural classes.
- (7) Professional classes.

Proclamation under Section I (2).

I intend the Lieutenant-Governor to have discretion to hold these seats in reserve if he pleases. Ordinarily he would hold one in reserve.

II.—For the purpose of distributing the six seats the following classes shall be assumed :—

	Seats.
A—Urban ...	.. 2
B—Rural ...	... 2
C—Mercantile ...	... 1
D—Professional ...	... 1
	—
Total ...	6
	—

III.—The nominations to these seats shall be made by the Lieutenant-Governor on the recommendation of the following associations and bodies respectively, namely,—

A—Such municipalities or group or groups of municipalities as the Lieutenant-Governor may prescribe from time to time by notification in the North-Western Provinces Gazette.

B—Such district board or group or groups of boards or such association or associations of landholders (landlords or tenants*) as the Lieutenant-Governor may from time to time approve.

C—Such association or associations of merchants or tradesmen as the Lieutenant-Governor may from time to time approve.

D—The Senate of the University of Allahabad.

Proviso.—The Lieutenant-Governor shall not approve of any association not established by law unless he is satisfied that the association is constituted *bonâ fide* for the protection of the interest of the classes concerned and that all members of those classes are free to join the association.

IV.—The Lieutenant-Governor may at his discretion nominate persons to the remaining two seats [namely, after the nomination of seven officials and six non-officials on recommendation] subject to the provision that each section of the community named in Regulation I shall be represented on the Council.

V.—When a vacancy occurs and is to be filled under paragraph III of these regulations, the Lieutenant-Governor shall cause the recognised officer of the body or

A—I would perhaps make a group of the six or seven chief municipalities in the province to start with, one from each division

B—I would not propose to make use of the boards at first. The British India Association would be enough.

* The tenant class is, as Sir A. Colvin says, strongly represented by almost every Revenue Officer. We have fought for them consistently and have won many advantages. The only other way in which their representation could be arranged would be by the formation of associations for the protection of tenants' rights. I would suggest and encourage this.

association concerned to be requested through the Commissioner of the Division to recommend a person to be nominated by the Lieutenant-Governor.

VI.—The recommendation shall be made—

- (a) in the case of a municipal committee or district board, by a majority of votes of the board or committee;
- (b) in the case of a group of municipal committees or boards, by the majority of votes of representatives to be appointed in this behalf by the boards or committees;
- (c) in the case of associations or bodies not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions on questions of business brought before the association or body.

VII.—If within a month after receiving the request of the Lieutenant-Governor under Rule V, the body or association fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion a person to represent the class for which the association or body had been called upon to recommend a person.

VIII.—No person actually in the service of Government shall be eligible for recommendation as a representative of class A or B or C.

IX.—The Lieutenant-Governor may without assigning any reason reject any recommendation made under these regulations. In case of such rejection, a fresh request shall be issued under Rule V, and the procedure laid down in Rules VI and VII shall apply.

I think this rough draft will make my proposals clear. I agree substantially with His Excellency the Viceroy on all important points. And I need not enter into further detail here.

C. H. T. C[ROSTHWAITE],—8-7-92.

LEGISLATIVE DEPARTMENT.

Bombay Castle, 9th March 1895.

No. 74.—In supersession of Government Notification no. 49, dated the 30th March 1893, the Governor in Council is pleased to publish for general information the following Rules for giving effect to the Regulations made by the Governor-General in Council under Section 1 (4) of the Indian Councils Act, 1892, for Bombay, and approved by the Secretary of State in Council, as notified by the Government of India in their Notification no. 359, dated the 7th of March 1893:—

I.—Nominations of eight persons to be Additional Members of the Council of the Governor of Bombay for the purpose of making Laws and Regulations only will be made by the Governor of Bombay under Section 29 of the Indian Councils Act, 1861, subject to Rule VII of the aforesaid Regulations made by the Governor-General in Council, on the recommendations of the following Bodies and Associations, respectively:—

A. The Corporation of Bombay;

B.—A group of Municipal Corporations constituted by the combination of all Corporations in the Northern Division of the Presidency of Bombay containing a population of 5,000 and upwards according to the last Imperial Census;

C. (i)—A group of District Local Boards constituted by the combination of all the District Local Boards in the Southern Division of the Presidency of Bombay;

C. (ii)—A group of District Local Boards constituted by the combination of all the District Local Boards in the Central Division of the Presidency of Bombay;

D. (i).—The Sardars of the Deccan as contained in the list prepared in conformity with Government Resolution, Political Department, no. 2363, dated July 23rd, 1867;

D. (ii).—A class of large landholders in Sind, as notified in a list to be published annually by the Commissioner of Sind in the *Sind Official Gazette* for the purposes of this rule, constituted of First and Second Class Jagirdars, and of Zamindárs who for the three years preceding the publication of the list have each paid not less than Rs. 1,000 annually as ordinary land revenue;

E.—The Association of persons engaged or interested in mercantile pursuits entitled the Bombay Chamber of Commerce;

F.—The Senate of the University of Bombay.

II.—The Governor of Bombay, in pursuance of Rule IV of the aforesaid Regulations, will cause the Secretary to Government in the Legislative Department to request the aforesaid Bodies and Associations to recommend persons for nomination by the Governor as Additional Members of Council. These requests will be addressed to the persons indicated in the following list, who will also be requested to communicate to the Secretary to Government in the Legislative Department the recommendations of the Bodies or Associations concerned within two months after receiving the request of the Governor, in each case:—

In the case of A, the President of the Corporation of Bombay;

In the case of B, the Commissioner of the Northern Division;

In the case of C (i), the Commissioner of the Southern Division;

In the case of C (ii), the Commissioner of the Central Division;

In the case of D (i), the Agent for Sardars in the Deccan;

In the case of D (ii), the Commissioner in Sind ;

In the case of E, the Chairman of the Bombay Chamber of Commerce ;

In the case of F, the Vice-Chancellor of the University of Bombay.

III.—The recommendation of the Bodies and Associations mentioned in Rule I shall be determined by a majority of votes given at an election as hereinafter indicated, that is to say—

In the case of A, the Corporation of Bombay may recommend any person, provided he is ordinarily resident within the City of Bombay, who obtains a majority of the votes of the Corporation in his favour ;

In the case of B, the recommendation of a person ordinarily resident within the Northern Division may be made by the representatives of the group of Municipalities in that Division, appointed according to the following scale. Every Municipality forming a member of the group with a population between 5,000 and 10,000 may appoint one representative and every Municipality with a population of 10,000 and upwards may appoint an additional representative for every additional 10,000 or fraction of 10,000 of population, thus—

A Municipality with a population of 5,006 may appoint one representative.

A Municipality with a population of 9,573 may appoint one representative.

A Municipality with a population of 40,168 may appoint five representatives.

In the case of C (i) and C (ii) the recommendation, by each of a person ordinarily resident within the Southern and Central Divisions, respectively, may be made by the representatives of each of the groups of District Local Boards in those Divisions appointed according to the following scale. Every District Local Board forming a member of either of the two groups of Bodies may appoint a representative for each 100,000 or fraction of 100,000 of the population of the district according to the last Imperial Census, thus—

In the Southern Division—

The District Local Board of Belgaum with a population of 1,013,261 may appoint 11 representatives.

The District Local Board of Ratnagiri with a population of 1,105,926 may appoint 12 representatives.

The District Local Board of Kanara with a population of 446,351 may appoint five representatives, and

In the Central Division—

The District Local Board of Poona with a population of 1,067,800 may appoint 11 representatives.

The District Local Board of Khandesh with a population of 1,460,851 may appoint 15 representatives.

The District Local Board of Sholapur with a population of 750,689 may appoint eight representatives.

In the case of D (i), the Sardárs of the Deccan as described in Rule 1 may recommend any person elected by a majority of their votes ;

In the case of D (ii), the group of ladholders in Sind may recommend a person elected by a majority of their votes ;

In the case of E, the Bombay Chamber of Commerce may recommend a person elected by a majority of votes recorded in the manner laid down in their rules or articles of association for carrying regulations or recording decisions upon questions of business brought before the Association ;

In the case of F, the Senate of the University may recommend any persons elected by a majority of the votes of the Senate obtained, under such regulations, not being inconsistent with the aforesaid Regulations made by the Governor-General in Council, as the Senate may pass for this purpose.

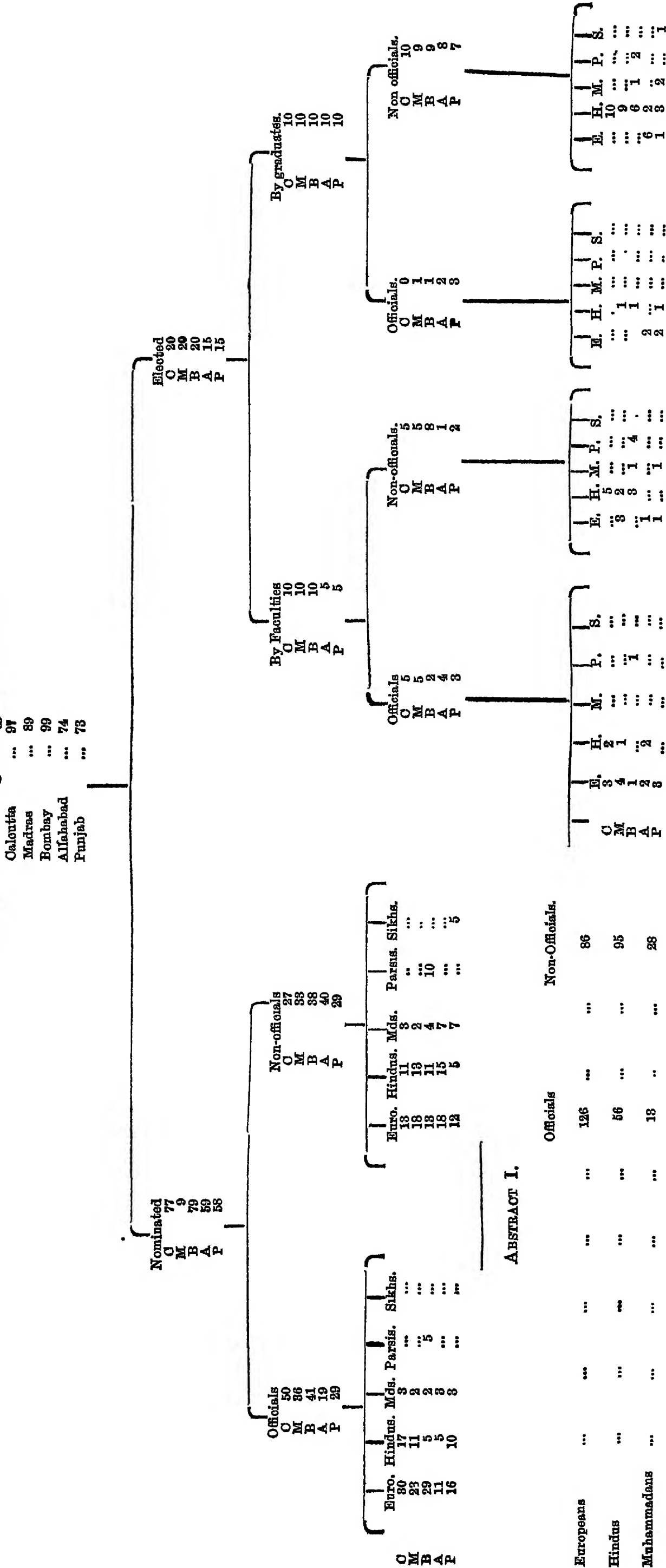
By order of His Excellency the Right Honourable the Governor in Council.

(Sd.) G. W. VIDAL,

Secretary to Government.

DIAGRAM ILLUSTRATING THE CONSTITUTION OF THE INDIAN UNIVERSITIES.

Senate--excluding *ex-officio* Fellows.



ABSTRACT I.

	Officials				Non-Officials.			
Europeans	126	...	...	...	86
Hindus	56	...	...	...	95
Mahammadans	18	...	...	...	28
Parsis	6	...	...	...	16
Sikhs	6
Total	201	...	...	...	231

ABSTRACT II.

	Officials		Non-officials.	
Calcutta University	...	55	...	42=97
Madras	...	42	...	47=89
Bombay	...	44	...	55=99
Allahabad	...	25	...	49=74
Punjab	...	35	...	38=73
Total	...	201	...	231=432

CONSTITUTION OF THE SENATES OF THE INDIAN
UNIVERSITIES.

Fourth report of the Committee appointed to consider the question of Council reforms.

PROVINCIAL LEGISLATIVE COUNCILS.

In the Government of India's letter of the 24th August 1907, no specific scheme of a Provincial Council was put forward, but the general principle was laid down that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained. These principles have been borne in mind by local Governments in the proposals which they have made, except that the Government of Bombay would prefer to work without an official majority.

2. In framing their proposals for the constitution of the Provincial Legislative Councils the Committee have proceeded on the lines followed by them in the case of the Imperial Legislative Council. They have endeavoured to reduce the official majority to the narrowest limits by making the number of officials and non-officials (excluding the head of the Government) equal, so that in the event of the full Council being equally divided the vote of the Governor or Lieutenant-Governor would turn the scale. In specifying the number of nominated members they have used the same formula as in the case of the Imperial Legislative Council, namely, "nominated members; not more than—to be officials; the non-officials to be representatives of minorities or special interests or experts." This places it in the power of the head of the Government to appoint the entire number of officials requisite to secure a majority of one in the full Council, while at the same time it leaves it open to him not to fill up the full number of official seats or even to substitute non-official for official members. For ordinary working purposes it would probably be found convenient to appoint only as many officials as would be sufficient, in conjunction with three or four non-officials of reasonable views, to enable the Government to carry any legislative measure that did not arouse such general opposition as to unite all the non-officials against it. The committee have made no attempt to frame regular constituencies for the election of landholders, Muhammadans, and representatives of Indian commerce. The materials before them are insufficient for the purpose and the conditions in different provinces vary too much for any uniform plan to be feasible. Some Governments may be able to form electorates based upon payment of land revenue or income tax or upon the income derived from land; others will permit associations to recommend members, and others again will have recourse to nomination. It must be understood therefore that in describing certain classes of members as "elected" the Committee use that term subject to the reservation that in some cases election in the ordinary sense may be found impossible or inexpedient. In any case the question to what extent election proper can be introduced will have to be considered further in consultation with local Governments when the regulations are being drawn up, after the Act of 1892 has been amended. With these general observations, which apply to all of the Provincial Legislative Councils proposed by them except the Council for Burma, the Committee proceed to state their proposals for each province.

MADRAS.

3. Under the rules at present in force the Madras Legislative Council stands thus:—

A.—The members of the Executive Council	...	...	...	2
B.—The Advocate General ...	...	...	...	1
C.—Nominated official members not exceeding	...	...	...	9
D.—Recommended by—				
(a) Corporation of Madras	...	...	...	1
(b) Municipal Councils of the 12 Northern districts	...	...	...	1

(c) Municipal Councils of the 10 Southern districts	...	...	1
(d) District Boards of the 12 Northern districts	...	...	1
(e) District Boards of the 12 Southern districts	...	...	1
(f) Chamber of Commerce	...	...	1
(g) Senate of University	...	...	1
E.—Nominated to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 peshkash.			4
			—
Total	...	...	23
or, including the Governor	...	...	24
			—

4. After discussing certain alternative schemes the Madras Government propose a Council constituted as follows:—

Members of Executive Council	...	...	...	...	2
Advocate General	...	...	...	...	1
Other official members	...	...	...	...	14
Elected by district boards and municipalities voting separately in two groups of districts.					4
Elected by the Chamber of Commerce	...	...	...	...	1
Elected by the University	...	...	...	...	1
Elected by the Corporation of Madras	...	...	...	...	1
Elected by the Muhammadan community	...	...	...	...	1
Elected by the General Assembly, if approved by the Government of India.					2
Nominated from classes or interests unrepresented or insufficiently represented.					6
					—
Total	...	...	...	...	33
or, including the Governor	...	...	...	...	34
					—

5. This scheme appears to be open to the following objections:—

- (1) It proposes too small a Council.
- (2) It gives insufficient representation to the educated classes who are elected by district boards and municipalities.
- (3) It retains the clumsy and inconvenient system of election by large groups of district boards and municipalities—two groups of each for the entire presidency.
- (4) It gives no separate seats to the landholders, who, together with the planters, are apparently to be provided for by nomination.
- (5) It gives the Muhammadans only one member.
- (6) It makes no provision for Indian commerce.
- (7) It reserves two seats for election by the "General Assembly, if approved by the Government of India," a plan which Madras have since abandoned.

6. After giving careful consideration to the letters of the Madras Government and to the large body of non-official opinions forwarded by them the

Committee propose a Council constituted as follows :—

<i>Ex-officio.</i>					
Members of the Executive Council	...	...	...	2	[2]*
Advocate General	...	...	...	1	[1]
<i>Additional.</i>					
A. Nominated members not more than 20 [18] to be officials : the non-officials to be representatives of special interests or minorities or experts					
...	...	...	...	24	[21]
B. Elected members					
...	...	...	...	19	[17]
(a) By Corporation of Madras	...	...	...	1	[1]
†(b) By municipalities and District Boards	...	...	...	8	[8]
(c) By the University	...	...	...	1	[1]
‡(d) By landholders	...	...	...	4	[4]
(e) By the planting community	...	...	...	1	
§(f) By Muhammadans	...	...	...	2	[2]
(g) By the Chamber of Commerce	...	...	...	1	[1]
(h) By the Indian commercial community	...	...	...	1	
Total				46	[41]
or, including the Governor				47	[42]

7. This scheme gives twice as many elected members as were proposed by the Madras Government, it raises the representation of the professional middle class from 6 to 10 ; it gives 5 elective seats to the landholders and planters and 2 to the Muhammadans, and it provides a separate member for the Indian commercial community. During his recent tour the Hon'ble Mr. Harvey discussed the subject with the Madras Government at the request of the Committee. In a letter of the 22nd August, written after that discussion, the Madras Government propose a Council of 41 constituted in the manner shown in brackets above. In this scheme they have adopted the most important suggestions of the Committee. But they provide for a slightly larger official majority, and they find it difficult to provide an official vote of more than 19 members including the Advocate General. They have, however, not realised that the full official majority will be only required on rare occasions, so that the inconvenience which they anticipate will not be experienced in practice. Their scheme moreover is defective in that it makes no provision for the representation of Indian commerce and the planting community by election. The Committee are decidedly of opinion that the Councils of the four larger provinces should be formed on uniform lines, and for the reasons stated they recommend that the Madras Government should be required to enlarge their Council to a total of 46, excluding the Governor, constituted as proposed by the Committee.

BOMBAY.

8. Under the Act of 1892 and the regulations now in force the Bombay Legislative Council is constituted as follows :—

A.—The Members of the Executive Council	...	...	2
B.—The Advocate General	...	...	1
C.—Nominated official members not exceeding	...	...	9
D.—Recommended by—			
(a) The Corporation of Bombay	...	...	1
(b) The Bombay Chamber of Commerce	...	...	1

* The figures in brackets show the latest proposals of the Madras Government.

† Voting together in eight groups of about three districts each.

‡ Voting in four groups of about six districts each.

§ Elected or nominated as may be found practicable.

(c) The Municipalities of the Northern Division*	...	...	1
(d) The District† Boards of the Central Division*	...	...	1
(e) The District Boards of the Southern Division*	...	...	1
(f) The Bombay University	...	...	1
(g) The Sardars of the Deccan	...	...	1
(h) The Zamindars of Sind	...	...	1
E.—Nominated to represent different classes of the community	...	...	3
<hr/>			
Total	...	...	23
or, including the Governor	...	...	24

Including the Governor, this provides for 13 officials and 11 non-officials. But Bombay, as is shown in paragraph 14 of their letter, have now a Council consisting of 10 officials (including the Governor) and 14 non-officials. For all ordinary purposes this is safe enough, as the Government can probably reckon with certainty on the support of at least three non-official members. Two non-official votes would be sufficient to equalise the numbers on either side, and the Governor's casting vote would then be decisive. In his letter of 3rd October 1906, Lord Lamington mentioned as defects in the composition of the present Council (a) the over-representation of Bombay city; (b) the over-representation of the legal profession; (c) the under-representation of land and agriculture; (d) the preponderance of Brahmans, whose interests were not identical with those of the mass of the Marathas and other castes. The local Government expressed a similar opinion in 1899 when reporting on the working of the regulations made under the Act of 1892. The statistics from 1893 to 1906 show that the professional middle class obtained 50·7 per cent. of the elective seats, lawyers 47·9, and schoolmasters 2·8 per cent.

9. The Government of Bombay put forward two alternative schemes, a smaller one and a larger one. The smaller which has the support of a majority of the Executive Council is as follows:—

Members of the Executive Council	...	...	...	2
Advocate General	...	...	...	1
Nominated by Government—				
Official	...	...	...	9
Non-Official (from special communities)	...	...	...	15
Nominated on the recommendations of Bombay Chamber of Commerce				
Karachi Chamber of Commerce	...	...	...	1
Mill-owners' Associations of Bombay and Ahmedabad alternately	...	...	...	1
Bombay Corporation	...	...	...	1
Municipalities in Sind	...	...	...	1
Do. in Northern Division	...	...	...	1
Do. in Central Division	...	...	...	1
Do. in Southern Division	...	...	...	1
District Local Boards in Sind	...	...	...	1
Do. in Northern Division	...	...	...	1
Do. in Central Division	...	...	...	1
Do. in Southern Division	...	...	...	1

* Voting by electoral representatives on a population scale. *Vide* notification of 9th March 1895.

† Up to January 1896 the Karachi Chamber of Commerce had a seat and the Central Division was held to be sufficiently represented by the Sardars of the Deccan. This caused discontent among the Poona politicians and the Karachi seat was transferred to the District Boards of the Central Division.

Bombay University	...	...	...	1
Sardars of Gujarat	...	...	...	1
Sardars of the Deccan	...	...	...	1
Zamindars of Sind	...	...	...	1
Native Merchants' Association	...	...	...	1
Total				44
or, including the Governor				45

10. The advantages of this scheme are :—

- (1) That it gives adequate representation to European commerce and Industry (three members), restores to the Karachi Chamber the seat taken away from it in 1896 (not, as Bombay incorrectly say, in 1892), and recognises the mills.
- (2) That it gives Indian commerce one member, to be elected by an association of native merchants.
- (3) That it assigns eight seats to the educated classes through the district boards and municipalities, in addition to the members for the University and Corporation, so that these classes will get ten out of seventeen elective seats, and may get more by nomination.
- (4) That it gives three seats to the landholders.

On the other hand it has two conspicuous defects :—

- (a) It provides (including the Governor) for only 13 official members, 4 ex-officio and 9 nominated and thus leaves the Government with a standing minority.
- (b) It assigns no separate seats to the Muhammadans.

11. For these reasons the Committee propose to modify the Bombay scheme as follows :—

Ex-officio.

Members of Executive Council	...	...	...	2
Advocate General	...	...	...	1

Additional.

A. Nominated members not more than 20 to be officials : the non-officials to be representatives of special interests or minorities or experts. 23

B. Elected members	...	...	...	20
(a) by Corporation of Bombay	...	...	...	1
(b) by Municipalities	...	...	...	4
(c) by the District Boards	...	...	...	4
(d) by the University	..	...	...	1
(e) by landholders	...	...	...	3
(f) by Muhammadans	...	...	...	3
(g) by Bombay Chamber of Commerce	...	...	...	1
(h) by Karachi Chamber of Commerce	...	...	...	1
(i) by Millowners' Associations of Bombay and Ahmedabad alternately	...	...	...	1
(j) by Indian Commercial Community	...	...	...	1

Total				46
or, including the Governor				47

12. At the request of the Committee the Hon'ble Mr. Harvey communicated their views to the members of the Bombay Government individually and discussed with them the composition of the Council. The results of the discussion are stated in the following telegram :—

“ In matter of Provincial Legislative Councils all members of Bombay Government would prefer to work without official majority considering that Government majority could always be secured under their proposals. [The] two members [of the Executive Council] are weak in opposition [to our proposal that provision should be made for an official majority in case of need] but Governor makes point of principle at issue and thinks there would be no danger so long as specified subjects such as those relating to law and order and certain matters of finance were not at mercy of majority. As regards Muhammadans all agree to full representation, and [the] members [of Council agree] to elec[tion] as soon as scheme can be framed, but Governor objects entirely to elective principle being recognised for any individual race or sect.”

13. As to this the Committee would point out that the provision made by them for the appointment of nominated members under head A of their scheme leaves it open to the Bombay Government to dispense with an official majority if they consider that they can carry on the business of the Council without one. As regards Muhammadans the opinions sent up by the Bombay Government seem to indicate that nothing but separate representation will satisfy the community and that they resent the idea of nomination. The Committee accordingly suggest that the Muhammadans should be given three seats, as proposed in their scheme, one for Sind and two for the Presidency, and that the Bombay Government should be asked to consider whether an electorate can be formed, or if that is not possible, whether associations can be utilised for the purpose of proposing members for nomination by the Governor. The Committee would further observe that their proposals are more liberal than those made by the Bombay Government, since they raise the number of elected members from 17 to 20. They do not think it necessary to discuss the second Bombay scheme which has the support of only one member of the local Government.

BENGAL.

14. The Bengal Legislative Council now stands thus :—

Official members	...	...	...	...	10
Recommended by—					
Corporation of Calcutta	...	...	...	...	1
Municipalities (by rotation)		...	...	...	1
District Boards (by rotation)		...	...	...	2
Landholders' Association	...	...	...	...	1
Chamber of Commerce	...	...	...	...	1
University	...	...	...	...	1
Nominated non-officials	...	...	...	...	3
					—
				Total	20
or, including the Lieutenant-Governor					21
					—

The statistics from 1893 to 1906 show that 52·8 per cent. of the elected members have been drawn from the professional middle class, all of whom were lawyers.

15. The Lieutenant-Governor proposes—

- (1) One member for each of the six existing divisions and a representative of the new division to be created by the partition of Patna Division, 7
- (2) The representatives of the Chamber of Commerce, the Trades Association, the Calcutta Corporation, and the University, as at present, and a new representative of Indian Commerce ... 5

(3) Representatives of the landed proprietors, who must be zamindars elected by zamindars	...	...	...	2
(4) Representatives of any special class requiring representation	...			4
				—
Total of non-official members	...			18
Add official members	...			18
				—
Total members of Council	...			36
or, including the Lieutenant-Governor	...	...	...	37

16. The scheme is almost identical with that propounded by the British Indian Association. Its weak points appear to the Committee to be:—

- (1) That the Council is too small.
- (2) That it gives insufficient representation to the educated classes.
- (3) That it gives too few seats to the landholders.
- (4) That it refuses separate representation to the Muhammadans.
- (5) That it assigns too few seats to European Commerce, and does not provide for the representation of the planting community.

17. Sir Edward Baker was in general agreement with these criticisms on the local Government's scheme and suggested a Council which he described thus:—

(1) One member to be elected by the District Boards of 7 Divisions	7
(2) Four members to be elected by Municipalities, <i>viz.</i> ,—	
2 for Bengal (Presidency and Burdwan divisions), and	
2 for Behar (<i>viz.</i> , Patna, Tirhut, and Bhagalpur in rotation)	...
(I do not propose any member for the Orissa and Chota Nagpur Municipalities).	4
(3) Representatives of the Chamber of Commerce, the Trades Association, the Calcutta Corporation and the University, as at present, and new representatives of Indian commerce and the planting community	...
	...
	...
	...
(N.B.—I am doubtful about the planting member).	6
(4) Landed proprietors, who must be zamindars elected by zamindars—Bengal 2, Behar 2, and Orissa <i>cum</i> Chota Nagpur 1	...
	5
(5) Muhammadans	...
	...
	...
(6) Representatives of special classes	...
	...
	...
	3
	—
Total	...
	27
(7) Officials	...
	...
	...
	...
	26
	—
Total	...
	53
or, including the Lieutenant-Governor	...
	...
	54

18. The Council sketched by Sir Edward Baker is a large one and makes a severe demand on officials, especially for the ordinary Council, when it is remembered that it is desired to interfere as little as possible with the liberty of touring officers. For this reason and also in order to give Councils of uniform size to the larger provinces the Committee propose a Council constituted as follows:—

A. Nominated members not more than 23 to be officials: the non-officials to be representatives of special interests or minorities or experts	26
--	-----	-----	-----	-----	-----	----

B. Elected members	...	...	...	...	20
(a) by Corporation of Calcutta	...	...	...	...	1
(b) by Municipalities	...	...	...	...	4
(c) by District Boards	...	...	...	...	4
(d) by the University	...	...	...	...	1
(e) by landholders	...	...	...	...	4
(f) by the planting community...	...	...	...	...	1
(g) by Muhammadans	...	...	...	...	2
(h) by the Chamber of Commerce	...	...	...	...	1
(i) by the Calcutta Trades Association	...	...	...	...	1
(j) by the Indian commercial community	...	...	...	...	1
Total					46
or, including the Lieutenant-Governor					47

19. The Committee believe this Council to be large enough to meet the requirements of the province the population of which exceeds that of the United Provinces by only three millions—a difference which in their opinion is not sufficient to justify the addition of seven members to the standard type of Council which they propose. The Council suggested by them gives ten seats to the professional middle class, five to the landholders, including one for the planting community who at the present time have vital interests at stake and cannot properly be omitted, two to the Muhammadans and three to trade and commerce. They note as an objection to Sir Edward Baker's proposal for election by the Municipalities that it would disfranchise the Orissa and Chota Nagpur Municipalities which now occasionally elect a member by rotation.

UNITED PROVINCES.

20. The Legislative Council of the United Provinces is at present constituted as follows :—

Official members	...	...	...	...	7
Recommended by groups of municipalities	...	...	...	...	2
Recommended by groups of District Boards	...	...	...	...	2
Recommended by Upper India Chamber of Commerce	...	...	...	...	1
Recommended by University of Allahabad	...	...	...	...	1
Nominated by the Lieutenant-Governor to represent different... classes.	...	...	...	...	2
Total					15
or, including the Lieutenant-Governor					16

In commenting on the working of the existing regulations Sir James La Touche observed two years ago—

- (1) That municipalities have practically always elected pleaders.
- (2) That District Boards do not as a rule elect great landowners. Nehal Chand and Madho Lal "belong to the English educated class, and, though they hold land, are only incidentally landowners".
- (3) That no Muhammadan has ever been elected by a representative group. Sir John Hewett repeats this statement in paragraph 12 of his letter.
- (4) That the professional middle class generally secures five out of the six elective seats.

- (5) That Indian Commerce is unrepresented. Sir John Hewett confirms this in paragraphs 12 and 29 of his letter.
- (6) That more official seats were needed in order to find places for the heads of the Education, Medical, Sanitary, and Agricultural Departments, and for the junior of the two Chief Engineers.

The statistics from 1893 show the professional middle class holding 50 per cent. of the elective seats—all being lawyers.

21. The reconstruction of the Council has been carefully worked out and explained in paragraphs 19 to 30 of the local Government's letter. The Council proposed is constituted as follows :—

Officials	...	...	...	...	...	22
Non-officials—						
Elected by Upper India Chamber of Commerce	...	...	...	...	...	1
„ „ Sensate of Allahabad University	...	...	...	...	...	1
„ „ District Boards and Municipalities of Divisions, except Kumaon.	...	...	...	...	...	8
Elected by Municipal Boards of Allahabad, Lucknow, Benares, Cawnpore, Agra, Bareilly, in rotation two at a time	...	...	...	...	...	2
Elected by British Indian Association representing landholders of Oudh	...	...	...	...	...	1
Elected by Landholders of Agra	...	...	...	...	...	1
„ Muhammadans	...	...	...	...	...	2
Nominated by Government—						
For Kumaon Division, when suitable representative available	...	...	...	...	...	1
For Muhammadans, one being Trustees of Aligarh ..	...	...	...	...	...	2
For special classes, such as planting community and Indian commercial community	...	...	...	...	...	3
						<hr/> 22
						44
or, including the Lieutenant-Governor	...	...	...	...	...	45

22. The Committee propose a Council constituted as follows :—

A. Nominated members not more than 23 to be officials, the non-officials to be representatives of special interests or minorities or experts	...	...	...	...	27
B. Elected members	...	...	...	...	19
(a) by large Municipalities	...	...	...	...	2
(b) by District Boards and smaller Municipalities	...	...	...	...	8
(c) by Allahabad University	...	...	...	...	1
(d) by landholders	...	...	...	...	2
(e) by Muhammadans	...	...	...	...	4
(f) by Upper India Chamber of Commerce	...	...	...	...	1
(g) by the Indian Commercial community	...	...	...	...	1
					<hr/> Total ... 46
or, including the Lieutenant-Governor	...	...	...	...	47

The scheme does not differ materially from that proposed by the Lieutenant-Governor. The number both of officials and non-officials has been raised by one in order to bring the size up to that of the standard model. Provision has been made for the representation of the Muhammadans by four elected members instead of by two elected and two nominated members, and a separate seat has been provided for the Indian commercial community which will be filled up by election whenever a suitable constituency can be formed.

EASTERN BENGAL AND ASSAM.

23. The Legislative Council of Eastern Bengal and Assam was established in October 1905. It consists of—

Officials	...	...	...	...	...	...	7
Non-officials—							
Recommended by Municipalities	...	...	...	...	...	...	1
„ District Boards	...	...	...	...	...	...	2
„ Associations of landholders	...	...	...	...	...	...	1
„ Associations of merchants	...	...	...	...	...	...	1
„ Commissioners of Port of Chittagong	...	...	...	...	...	...	1
Nominated by Lieutenant-Governor	...	...	...	...	...	...	2
Total						...	15
or, including the Lieutenant-Governor	...	...	...	...	...	...	16

The local Government now proposes a Council constituted as follows :—

Officials	...	...	...	...	...	...	12
Non-officials—							
Elected by Municipalities	...	...	...	...	...	...	2
Elected by District and Local Boards	...	...	...	...	...	...	3
Elected by Bengal Landholders' Associations	...	...	...	...	...	...	1
Elected by Provincial Muhammadan Association	...	...	...	...	...	...	1
Elected by tea interest	...	...	...	...	...	...	1
Elected by jute interest	...	...	...	...	...	...	1
Elected by the Commissioners of the Port of Chittagong	...	...	...	...	...	...	1
Nominated by the Lieutenant-Governor to represent different classes	...	...	...	...	...	...	3
Total						...	25
or, including the Lieutenant-Governor	...	...	...	...	...	...	26

24. This scheme appears to the Committee to be defective in the following respect :—

(1) A Council of 25 is too small for a province with a population of 31 millions, a large proportion of which consists of Bengalis of an advanced type.

(2) The representation given to the educated classes (5 seats) is sufficient.

(3) The Muhammadans and the landholders are inadequately represented.

For these reasons the Committee propose the following Council—

A. Nominated members not more than 18 to be officials, the non-officials to be representatives of special interests or minorities or experts	...	...	...	...	...	...	21
B. Elected members	...	...	...	...	...	...	15

*(a) by Municipalities and District and Local Boards	...	8
(b) by landholders	... ..	2
(c) by Muhammadans	... ..	2
(d) by tea interest	... ..	1
(e) by jute interest	... ..	1
(f) by Commissioners of Port of Chittagong	...	1
		—
		36
or, including the Lieutenant-Governor	... ..	37

The Committee find it impossible to enlarge the Legislative Council of Eastern Bengal and Assam up to the standard proposed for the older provinces, because it is difficult to provide more than 18 official members without unduly disturbing administrative business. But the proposals made by them appear to meet the essential requirements of the province. They give sufficient representation to the professional middle class, the landholders and the Muhammadans, and they assign separate members to the tea and jute industries and to the Commissioners of the growing port of Chittagong. The Assamese inhabitants of the Brahmaputra Valley will for the first time obtain separate representation, and the reservation of three seats for nomination will place it in the power of the Lieutenant-Governor to meet the claims of the Muhammadan tenantry of the province.

PUNJAB.

25. The Punjab Legislative Council was established by the proclamation of 9th April 1897. It consists of:—

Officials	...	...	...	...	...	4
Non-officials	...	...	...	...	...	5
						—
						9
or, including the Lieutenant-Governor	...	...	...	...	...	10

All the members are nominated. The non-officials are one Christian, two Muhammadans, one Sikh, and one Hindu. In his letter of 6th September 1906. Sir Charles Rivaz said—

- (1) That the Council was quite large enough for the present requirements of the Province.
- (2) That the important classes and interests of the Punjab had been adequately represented by nomination.
- (3) That “the only possible elective body” would be the ordinary†

†This excludes the *ex-officio* Fellows, *viz.*, the Chief Judge of the Chief Court, the Bishop of Lahore, the Director of Public Instruction and the representatives of certain Chiefs.

Fellows of the Punjab University under section 6 of the Universities Act.

- (4) That the University “might quite safely and properly be given the power of electing one of their number to serve on the Provincial Council”. If that were done “they would presumably ordinarily select a man belonging to the educated professional class”.
- (5) That the privilege of asking questions might “quite safely” be granted to the Punjab Council and “would be much appreciated by the educated classes”.

*Voting together by divisions, *viz.*, Dacca 2, Chittagong 2, Rajshahi 2, Brahmaputra Valley 1, Surma Valley 1.

26. The present Lieutenant Governor proposes a Council of the following composition :—

Official members	...	...	...	...	10
Non-official members—					
Ruling Chiefs or great officers of Native States	...	...	...	...	1
European, Anglo-Indian and Native Christian commercial classes	...	...	...	...	1
University	...	...	...	...	1
Larger cities	...	...	...	...	2
Muhammadans	...	...	...	...	3
Hindus	...	...	...	...	2
Sikhs	...	...	...	...	1
					—
					21
or, including the Lieutenant-Governor	...	...	...	...	22

The points to be noticed are the following :—

- (1) The list of official members includes the Manager of the North-Western Railway, and a high military officer to represent cantonments.
- (2) The inclusion of a ruling Chief is justified by the fact that the interests of Native States in the Punjab are very closely bound up with those of the province at large.
- (3) It is stated that in selecting the European or Anglo-Indian representative, the Punjab Chamber of Commerce and the Trades Association might be consulted.
- (4) The University member would at first be elected by the Senate, but it is suggested that the seat might hereafter be transferred to the graduates of the Punjab University. This proposal will require very careful consideration with reference to the conditions of other Universities and the Committee regard it as premature. In Bengal and Bombay such a constituency would be a large one, and it would probably elect professional politicians of the most advanced type.
- (5) The two members for the larger cities would be selected by the Lieutenant-Governor from among persons nominated by the Municipal Committees of the larger towns, cantonment Committees voting jointly where there is a cantonment with a large population. This plan is intended to give special representation to the trading and industrial classes.
- (6) Stress is laid on the difficulty of forming a landholding electorate based on payment of land revenue or income tax. The local Government does not state exactly how the landed interest is to be provided for, but it is obvious from the appropriation of seats to other interests that the six seats allotted to religions will afford ample scope for the representation of the land-lords.
- (7) The members representing Muhammadans, Hindus, and Sikhs are to be nominated and not elected.

27. In the Council proposed by the local Government the Committee find several features which they are unable to approve of. They think that no good reason has been assigned for giving to a Ruling Chief a place by right on the Council. They have excluded the Ruling Chief from the Imperial Council, relegating him to ordinary nomination in case it might be desired at any time

to appoint one. No other Provincial Council provides for the appointment of a Ruling Chief and the Committee would not admit this in the case of the Punjab. There is room for nominating a Chief, if desired, under the heads Muhammadans, Hindus, Sikhs, and other interests. Nor do the Committee see any reason for the mention of a Native Christian among the commercial classes, as that electorate may be expected invariably to return a European. The method of representing the eleven larger cities will, they believe, satisfy no one. If the Lieutenant-Governor is to select two out of the eleven nominees of these cities, no one will regard it as anything better than nomination pure and simple. Each city having only a 1 to 5 chance will take no interest in the election, and the professional middle class will receive the proposal with great dissatisfaction.

28. The Secretary to the Committee has discussed this subject with the Lieutenant-Governor and His Honour has expressed his readiness to accept a Council constituted as follows:—

A.—Nominated members not more than 12 to be officials, the non-officials to represent Muhammadans, Hindus, Sikhs and other interests						19
B—Elected members						5
(a) by the commercial community	...	...	...	...	1	
(b) by the Punjab University	...	...	...	...	1	
(c) by the larger cities	...	...	...	...	3	
Total						24
or, including the Lieutenant-Governor...						25

The scheme thus modified promises to give adequate representation to Hindus of the commercial and professional classes, and it reserves three nominations for other interests not specifically provided for. The Committee believe these proposals to be as advanced as the present circumstances of the Punjab demand and they recommend their acceptance.

BURMA.

29. The Burma Legislative Council was formed by proclamation in 1897, at the same time as that of the Punjab. As at present constituted it consists of:—

Officials	...	...	...	...	5
Non-officials nominated	...	...	...	...	4
Total					9
or, including the Lieutenant-Governor					19

Two of the non-officials are Burmese.

In practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the Municipal Committee of Rangoon.

30. The Lieutenant-Governor proposes a Council constituted as follows:—

Officials...	...	...	...	...	8
Non-official.					
Elected by the Burma Chamber of Commerce	...	...	...	...	1
Nominated by the Lieutenant-Governor after consultation with the Rangoon Trades Association, Rangoon Port Commissioners and Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein and Akyab	...	...	...	...	1
Nominated to represent Indian and Chinese trading and mercantile interests	...	...	...	...	1
Nominated to represent Burmese population	...	...	...	...	4
Total					15
or, including the Lieutenant-Governor					16

31. The conditions of Burma are altogether peculiar ; election is foreign to the ideas of the Burmese population and neither they nor the Indian and Chinese immigrant commercial communities can at present be represented by any other means than nomination. In fact the only body in Burma that is capable of exercising the privilege of election is the Burma Chamber of Commerce.

For these reasons the Committee proposes a Council constituted as follows—

A.—Nominated officials	...	...	...	..	8
B.—Nominated non-officials	...	...	...	...	7
(a) to represent Burmese population	...	...	...	4	
(b) to represent Indian and Chinese commercial communities	...	...	...	2	
(c) to represent other interests	...	...	...	1	
C.—Elected by Burma Chamber of Commerce	...	...	...	1	
			Total	...	16
or, including the Lieutenant-Governor	...	...	...	...	17

32. In conclusion the Committee desire again to draw attention to the fact that the number of official members proposed for the various Councils in this Report is the maximum number which it is permissible to appoint in each case. Their experience leads them to believe that legislative business can ordinarily be carried on without such a majority and that it will not be necessary to appoint the full number of officials except on special occasions. They think that local Governments will be able to rely on the support of some of the non-official members and to reduce the number of their officials accordingly. It will be observed that the proposals of the Committee leave this matter entirely to local Governments: they will have power to constitute a majority of officials or not as they think fit. This meets the case of a Government which proposes, as the Bombay Government does, to work without an official majority. The Committee are in sympathy with that proposal and hope that effect may be given to it in other provinces.

The 8th September 1908.

H. ERLE RICHARDS.

H. ADAMSON,

J. O. MILLER.

W. L. HARVEY.

J. S. MESTON,

THE DISCUSSION OF THE BUDGET, AND OTHER PROCEEDINGS IN THE LEGISLATIVE COUNCILS.

The connected questions of the preliminary settlement of the Budget by a Committee of the Imperial Legislative Council, and its further discussion in the full Council were very fully examined in paragraphs 60—78 of our despatch of 21st March 1907. The conclusions then arrived at may be stated thus:—

DISCUSSION
OF THE BUD-
GET.

Vol III, p 156.

- (1) That a Committee of eleven members, four of whom would be elected by the non-official members of Council, should be formed about the middle of December, for the purpose of considering and reporting confidentially to the Government of India on the financial situation for the coming year, as indicated by the estimates and other data then available.
- (2) That the Budget, when presented to the full Council, should be discussed in the first instance by separate heads or groups of heads, each of which would be explained by the member in administrative charge.
- (3) That this discussion should be followed by a general debate, in which members would have the full liberty of criticism that they enjoy now.
- (4) That members should not be allowed to move formal amendments to the Budget, even with the limitations and restrictions suggested by Sir Edward Baker. The grounds of this decision were—
 - (a) That to allow a private member to propose additional expenditure would be contrary to the constitutional usage of the Empire.
 - (b) That the right to move amendments would have to be controlled by a general power of veto, vested in the Viceroy, the frequent exercise of which would cause discontent.
 - (c) That this right, once admitted, would be only the first step towards an Appropriation Bill, and towards the transfer of control over the revenues of India from a responsible Government to an irresponsible Council.
 - (d) That it would open the door to sweeping criticism of Government action by skilled political speakers to whom officials untrained in debate would find it difficult to reply with effect.

Among the papers leading up to this despatch I may draw attention to the following:—

Sir Edward Baker's note of 20th July 1906, paragraphs 10-21.

Vol. I, pp. 4-6.

Notes by Mr. Gokhale, Sri Ram, and Dr. Mookerjee.

Ibid, pp. 7-11.

Notes by Mr. Brunyate and Mr. Meston.

Ibid, pp. 22-33.

Note by Mr. Carlyle.

Ibid, p. 38.

Paragraphs 65 to 90 of the Report of the Committee of 1906.

Ibid, pp. 135-141.

Summary of the proposals of the Committee and of the opinions expressed on them.

Vol. III, pp. 60-64

The relevant arguments contained in these will be noticed in connexion with the constructive proposals put forward below.

2. The Secretary of State rejected the proposed Committee because—

- (1) The procedure would be neither instructive from the Government point of view nor satisfactory from the popular point of view. "Discussion by non-officials of the financial administration of India is undoubtedly wholesome and necessary; but surely it must take place publicly and in a body which is as representative as possible of the varied interests of the population of India."

Para. 30 of Des-
patch of 17th May
1907.
Vol. IV, p. 38.

- (2) There would be risks of accidental disclosure, for the profit of individuals, of proposals which might affect commercial speculation.
- (3) The responsible authorities (the Government of India and the Secretary of State) ought to interchange views confidentially before criticism is invited on their conclusions—a course which would tend to disclose divergences of opinion between them.

3. He approved of explanation and discussion by heads, to be followed by a general debate, and observed—"Remarks made in the course of such a discussion would be borne in mind by the Government of India when making financial arrangements in subsequent years, and there is no reason why it might not on occasion be found possible to alter the Budget actually under review".

Vol. IV, p. 40.

4. In paragraph 33 of the despatch the Secretary of State rejected Sir Edward Baker's proposal to allow amendments to be moved. But he did not do so with any great emphasis, and he said "I am inclined to think that the practical result of giving the power proposed (whether accompanied or not accompanied by the restrictions suggested) would not be widely different from that of the mere alteration, of which I have just expressed my approval. It may reasonably be anticipated that this last-mentioned measure will elicit a full expression of opinion as to financial changes, and the Government will in due course introduce those which in its opinion can be accepted with safety."

Pp. 34-36.

5. The Secretary of State's decision was embodied in paragraph 23 of the Government of India's letter of 24th August 1907. The opinions received do not help us much towards a solution of the essential question, how to give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The views of local Governments are stated in the précis and need not be recited at length. Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal Conferences with the non-official members of the Legislative Council, when the first edition of the Budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. Bombay improve the occasion to demand complete financial independence, and they and other Governments point out that, so long as the Budget requires the previous sanction of the Government of India, the discussions in the full Council can deal only with settled facts. No amendments can be moved at that stage, nor can alterations be introduced by the local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in paragraph 23 of our letter. No Government suggests any plan for enabling the full Council to debate and vote upon specific assignments of funds.

Précis, p. 77.

6. Where the subject is so technical, constructive proposals are hardly to be looked for from non-official critics, and most of the opinions on the subject either demand the power of moving amendments to any items of the Budget, or express general approval of the Government of India's proposals. In Madras the Madura People's Association refer to a minute written by Sir Alexander Arbuthnot in 1868, which is noticed below, and suggest :—

- (1) That the Budget should be discussed section by section and item by item.
- (2) That any member should have the right to move amendments and divide the Council.
- (3) That the Budget as voted by the majority should be embodied in an Appropriation Act.

Précis, p. 28.

Mr. Govindaraghava Aiyar approves of a preliminary conference on the Budget and of discussion by heads, and suggests that amendments should be allowed to be moved "except perhaps on certain specified heads." Mr. Krishnan Naiyar asks for the same concession, but would give the head of the Government the power to veto any amendment. In Bombay Mr. Parekh thinks that, before the Provincial Budget is submitted to the Government of India for sanction, there should be an informal conference between the member in charge

of finance and the non-official members of the Council, and that the latter should be permitted to move one or two amendments subject to a time-limit which the Government should fix. He would apparently prefer that amendments should be moved in the full Council, but he regards this as impossible so long as that Council has to discuss a Budget which has already been sanctioned.

7. The Hon'ble Mr. M. deP. Webb, C.I.E., considers the Government of India's proposals "a move forward" provided —

- (1) That discussion takes place *before* the Budget is finally adopted.
- (2) That the Council is given authority to control in some measure the allotment of expenditure under such heads as Irrigation, Railways, Telegraphs, Post Office, Education and Police. He observes that the official majority will maintain the executive authority in undiminished strength.

8. The Bombay Presidency Association admit that the proposal that the Budget should be discussed by separate heads or groups of heads will afford better opportunities for systematic criticism, and will perhaps help to make the discussion less discursive. But they urge that it will continue to be unfruitful, as the members will have neither power nor responsibility. They hold that the power to vote on financial questions is the most useful and important that could be conferred, and that there is no reason to apprehend its misuse. "No one could dream in India of putting the Government out of power thereby." Government will usually have a majority, and "if under exceptional circumstances the majority goes against them, it will emphasise the necessity for reconsideration, or for reference to the superior authority vested in a Committee appointed by Parliament. There can be no danger therefore in an adverse vote". They refer to the debate in the House of Commons on clause 38 of the Indian Councils Act of 1861, and to the assurance then given by Sir Charles Wood that the provision that no financial measure should be introduced without the previous sanction of the Governor-General would have precisely the same effect as in England. They propose—

- (1) That both in the Imperial and Provincial Legislative Councils there should be a preliminary conference between the members representing the Government, and the elected non-official members of the Council, on the Budget proposals.
- (2) That the Imperial Budget should be passed in the first week of March, and the provincial Budget before the end of the month.
- (3) That the rules of debate, which require the additional members to speak first and the members of Government last, should be altered on the lines suggested by the following remarks :—"If when any objection is made or amendment is proposed observations in reply are at once made on Government's behalf, they may, if satisfactory, put an end to further unnecessary talk; and if otherwise, may be rebutted at once by those who differ."
- (4) That one amendment should be allowed to each member, the order of amendments should be regulated by the President, and a week's time limit fixed for the whole debate.

This last suggestion appears also in Mr. Gokhale's note of 1906, with the addition that the President should have power to permit a member to move more amendments than one. On this the Honourable Mr. Meston remarked in 1906 that "any such rule would be irrational and would only cause irritation." It may be added that exemptions would constantly be asked for and that it would be difficult to refuse, and embarrassing to grant them.

Vol. I, p 8
Vol. I, p. 30.

9. In Bengal the Central National Muhammadan Association say—

- (1), That the preliminary discussion of the Budget should be of an informal character such as has been tried in Bengal.
- (2) That with the enlargement of the Council a time-limit should be imposed on speeches.

The National Chamber of Commerce think that the proposal made by the Government of India is no doubt an improvement, but that it "falls far short of the expectation of the Indian people." They propose—

- (1) That at least a month before the Budget debate, the Budget should be referred to a select committee composed equally of officials and elected members, and the items should be fixed according to their recommendations.
- (2) That some portion of the revenue should be earmarked, and "left to the control of the non-official members to be utilized by them for such purposes as might be conducive to the welfare of the people."

A suggestion similar to (2) was made to me in conversation by Mr. Rajan, a Madras Brahman, who is the editor of the Bombay paper *Indian Social Reformer*. He mentioned a lakh a year as a suitable sum in a provincial budget. The idea strikes me as unworkable, and as likely to lead to constant friction between the local Government and the non-official members of Council. The latter would always be demanding an increase in the popular assignment; they would emphasise the difference between it and the rest of the budget; and I should expect them to wrangle bitterly among themselves over the grant and to dissipate it in all manner of purposeless doles. The money would be wasted and would not even purchase contentment.

- (3) That the members should be allowed to "move amendments and to raise debate on matters relating to the Budget and to alter any of its items."

The Bhagalpur Landholders' Association approve of the Government of India's scheme, but submit "that it should be found possible to make provision for altering the Budget under review on good grounds shown in the debate for such alteration." The Chamber of Commerce do not think the Government of India's proposals go quite far enough. They propose that the Budget should be submitted to the Council in the form of financial proposals in regard to which the Government would be prepared to consider criticisms that might be offered.

In his note of 10th March 1908, Mr. Dutt makes the following proposal:—

"Besides Legislative work the Council shall also have the power to discuss and settle the annual Provincial Budget, taking the separate heads of income and expenditure separately, and Members shall have the right of demanding a division whenever there is difference of opinion.

Note.—The Provincial Government shall have the power at any time to modify the Budget thus settled by the Council, if such modification be called for by the rules or orders of the Imperial Government, or by grave administrative necessity. An intimation of such modification shall be given to the Council at the earliest possible opportunity."

In discussion with me Mr. Dutt admitted that non-official members were not in a position to criticise the estimates of revenue, and that the estimates of expenditure were to a large extent fixed. He was disposed to accept the scheme explained in paragraphs 15 to 20 below as a great advance on the present system, but he wished to deprive the Government of the power of re-appropriation except with the consent of the Budget Committee.

10. The United Provinces opinions contain nothing on the subject except Mr. Conybeare's vivacious and veracious remark that "at present the budget discussions are no more debates than penny readings are." In the Punjab hardly any one gets beyond expressing general approval of the proposal that the Budget should be discussed by heads, though a few officials doubt whether the Provincial Budget is worth discussing at all. Mr. Gates, the Financial Commissioner of Burma, suggests—

- (1) That the Provincial Budget should be made entirely independent of the Imperial Budget.
- (2) That in February the draft Budget should be laid before a Committee of the whole Council, and explained by the official member in charge. Non-official members would then be able to offer advice regarding expenditure, or to make suggestions for increasing revenue.

(3) After the close of the Committee's proceedings, the Budget would be settled by the Lieutenant-Governor, and presented to Council with a speech by the member in charge explaining to what extent it had been impossible (*sic*) to meet the suggestions made in the Committee.

(4) The general debate would then follow on the motion that the Budget be approved and the non-official members "might perhaps be allowed to move 'instructions' for the next year's Budget."

In Eastern Bengal and Assam the Government of India's proposals meet with general approval, but the Hon'ble Sitanath Roy considers that members should be allowed "to move amendments and to raise debate on matters relating to the Budget and to alter any of its items." He suggests—

(1) That a month before the debate the Budget should be referred to a Select Committee of the Council consisting of an even number of officials and elected members.

(2) That the items of the Budget should be fixed according to their recommendations and then laid before the Council for discussion.

11. The reference of the Madura People's Association to a minute written by Sir Alexander Arbuthnot in 1868 requires an explanation which takes us back to the beginnings of Provincial Finance in India. By the Government of India's resolution no. 3334 of 14th December 1870 permanent net assignments were made Fin. Pros., Jan. 1871, nos. 20-57.

* Jails, Registration Police, Education, Medical, Printing, Roads, and Buildings. to local Governments for Provincial Services* on the condition that they contributed rateably £350,000 to the Imperial revenues. Local Governments were instructed to publish their own yearly estimates and accounts in their local Gazettes, "together with a financial exposition (which should, where possible, be made before the local Legislative Council,) analogous to that annually made in the Council of the Governor-General." The Government of Madras had then under consideration two Bills for Towns' Improvement and Local Funds, which had reached the stage of being reported on by Select Committees. In presenting the reports of these Committees to the Madras Legislative Council on 17th February 1871 Proc., Madras Legislative Council, 1871, p. 18. Sir Alexander Arbuthnot described the resolution as providing that "the Provincial Budget shall be discussed and passed in the local Legislative Council." This he regarded as "an exceedingly valuable provision" devolving on the Council the duty of examining and passing a Budget "which will deal with the whole of the police and public education of the Presidency, with the whole of the communications of the Presidency except Railways, with the whole system of prison management, with a considerable portion of the medical establishments, with the provision of buildings for purposes of civil administration, with the registration of deeds, and with the whole of the funds raised by municipal and other local taxation". In a second speech he said that the Budget would form a Schedule to an Appropriation Bill, the contents of which would have to be voted section by section, so that the Council would have power to modify any item in the estimates, and to refuse to pass the Appropriation Bill until the Government "had revised the Budget in accordance with their views". On the 20th February Mr. J. D. Mayne, who had on that day joined the Council as Officiating Advocate General, made an effective attack on these proposals on the grounds, (1) that the Council was not qualified to revise the local estimates, (2) that if they tried to revise the Provincial estimates they would virtually be taking upon themselves the administration of the Presidency, (3) that when the Government of India spoke of a "financial exposition" they did not mean an Appropriation Bill, (4) that if a Bill of so revolutionary a character were passed, the Government of India and the Secretary of State would infallibly veto it. This line of argument seems to have taken the local Government rather by surprise, and they adjourned the debate in order to prepare a reply. The Council met again on the 23rd February when Sir Alexander Arbuthnot spoke at great length. Apart from certain references to authority which do not come to much, the only points that he made were (1) that the Government would ordinarily have an official majority†, (2) that section 19† of the Indian Councils Act precluded the Council

Ibid, p. 54.

Ibid, p. 80.

Ibid, p. 86.

† In fact they had not a majority then, even including the Commander-in-Chief.

‡ He should have said section 38.

Pros., Madras
Legislative Council,
1871, p. 99.

Pp. 143-149.

P. 148.

SIR GEORGE
CHESNEY'S
COMMITTEE.

Vol. III, p. 169.

from discussing the Budget unless a Bill relating to it was before them. The Governor, Lord Napier of Ettrick, spoke of the "surprise and pain" with which he had listened to Mr. Mayne, and read a long extract from a minute written by Sir Alexander Arbuthnot in 1868, in which his idea of an Appropriation Act is more fully explained. This is the minute quoted by the Madras People's Association. Eventually it was decided to address the Government of India on the entire subject. The essential portions of the correspondence which then took place are printed in Vol. III of the Council papers. The Secretary of State considered the Madras plan "in all respects unadvisable. Such a mode of procedure is only applicable in a representative assembly, which has full powers of control over the executive, and any such powers Parliament has advisedly withheld from the Legislative Councils of India." It will probably be desirable to refer to these papers in our despatch to the Secretary of State.

12. I now turn to the proposals of Sir George Chesney's Committee of 1888 on the subject of the Budget. These are stated in paragraph 16 of their report. The Committee started with the assumption that the accounts of local Governments would be divided into two branches, one relating to general administration, and the other to local expenditure on such objects as "Schools, Hospitals, Sanitation, Roads and Communications, Town Police, etc.," whether made over to District Boards, or still administered by Government and maintained

* This seems to refer to the Bengal F. W. cess, partly from "the Local Revenue which is which is at present Provincial. not by law received by Local Boards*"

and partly from general revenues. Their proposals were—

- (1) That the local part of the transactions of the Provincial Governments should be "made over to the administration of the Council in much the same way, and with much the same powers, as under the Local Self-Government Acts similar matters, within the limits of single districts, are placed under District Boards."
- (2) That the Council should exercise "whatever financial control over the proceedings of District Boards has been reserved on financial matters to the Local Governments, and specially it should have power to define, as between itself and the District Boards, what expenditure the latter should be responsible for meeting out of the revenue assigned to them."
- (3) That the administration of the Provincial Loan account should be "to a large extent placed in the hands of the Council."
- (4) That the estimates connected with Local Finance should be submitted to the Council, referred to a standing committee, and, on the report of the committee debated, if necessary, in Council.
- (5) That the general administration Budget which "could not be placed to the same extent in the hands of the Council, * * * might be laid before them for discussion, and the local Government might avail itself of its advice and suggestions in the same way as it would in the case of matters relating to general civil administration".

13. I find it difficult to form a clear idea of the probable working of these proposals, and it seems doubtful whether they would work at all except with the help of the official majority and the *liberum veto* which the Committee were careful to provide for. The division of Provincial finance into the three sections (1) *Local*, as ordinarily understood, being funds raised locally and administered by District Boards under the control of the Council; (2) *Provincial—Local*, being funds raised provincially, and administered by the Council, but applied to purposes of a more or less local character; (3) *Provincial*, properly so called, administered by the Government subject to discussion by the Council;—all this strikes me as very complicated and likely to generate friction. The tendency would be for the Council to encroach upon the District Boards in one direction and upon the Government in the other, and, like deliberative assemblies elsewhere, to be constantly endeavouring to assume executive functions and centralise power in their own hands. But the proposal is not very clearly stated, and paragraph 149 of Sir Antony MacDonnell's note of 5th September 1887 on which it seems to

be based, does not go beyond a rather vague suggestion that the Council might be given "a large measure of control" over Local and Municipal funds, in respect of which "the financial credit of the Government of India can scarcely be affected by any maladministration." In paragraph 15 of his later note of 10th September 1888, which sketches the constitution and functions of the Councils, the suggestion is made that they should be given power "to scrutinise and modify the Provincial budget on all points of a Local as contradistinguished from an Imperial nature. In order to pave the way for the concession of this power, the form of the Budget should be substantially recast, so as to separate the Local from the Imperial items, and to safeguard the latter from the effects of any ill-judged modification of the latter by the Council". Here "Local" seems to be used in the sense of "Provincial", and the intention appears to be to give the Council full control over provincial heads. It is possible however that "Imperial" means "Provincial", and that the later proposal is really the same as the earlier one. There follows a reference to a plan of Sir James Westland's for effecting some such rearrangement of Budget heads. The Financial Department however can find no trace of anything of the kind.

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14. Although, as I have said, the non-official opinions which we have now received are not very illuminating, they make it fairly clear that no one who has given any attention to the subject will be satisfied with the Government of India's proposals, and that there is a genuine and not unnatural desire on the part of a number of quite reasonable people to have an effective voice in settling at any rate some portion of the Provincial and Imperial Budgets. These people will not be content with a preliminary informal committee whose meetings would not be open to the public, and whose proceedings would not be published except in the shape of a formal report. They want a public debate in the full Council, a debate that will mean something, that will decide that so much of the taxpayers' money shall be spent in one way rather than in another way, and they wish to have a real, and not merely a nominal share, in deciding such issues. I think it is possible, without abandoning any principle, and without surrendering the ultimate control, which the Government must retain, to give them concessions far more real and substantial than anything they themselves demand. They ask for the right of moving amendments to the Budget; but they realise that there must be some limit to this, and Mr. Gokhale suggests that each non-official member should be allowed one amendment, subject to the condition that the debate should be automatically closed, after a week in the Imperial Council, and after a fortnight in the Provincial Councils. I have mentioned in paragraph 23 of the note on the Imperial Legislative Council that Mr. Bradlaugh's Indian Councils Bill of 26th November 1890 proposed (clause 2) to give power to move amendments to the Budget. His more elaborate Bill of 12th February 1890, (which was disapproved by the Congress and withdrawn), had similar and rather more widely stated provisions (clauses 18 and 42), but these were qualified by the power reserved to the Viceroy or the head of the Government to overrule the decision of the majority of the Council for reasons to be published and reported to the Secretary of State. There was also to be an appeal to a Grand Committee of the House of Commons. Apart from other objections, it appears to me that any system under which amendments could be moved, so to speak, in the air, would be very difficult to work in practice. As the Hon'ble Mr. Meston pointed out in 1906, passing the Budget in Council "will involve much awkwardness, if amendments are accepted, in changing figures which have been carefully settled and which cannot easily be altered without upsetting others." Taking for example the Bengal Council, with which I am most familiar, and assuming that some 20 out of 25 non-official members exercised their right of moving one amendment apiece, I feel sure that at the end of a week's debating no one would have the least idea where they stood, and the Council would have to be adjourned for a month to enable the Financial Department to work out the results. It would then be found (unless the official majority were ruthlessly employed to reject all but the most simple proposals) that the Council had voted far more money than it had to dispose of and the whole thing would have to be done over again. I have before now seen great confusion arise where there were several overlapping amendments to a clause in a Bill, but that is nothing to what would take place when a number of people, wholly unacquainted with finance,

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were scrambling to get money for their own projects without realising that additions in one direction must be met by reductions in another. A glance at the discussion of the last Bengal Budget, with its interminable speeches and its ill-informed incursions into details which the speakers had made no effort to master, shows how necessary it is that whatever issues are referred to the full Council should be extremely simple, and should be carefully formulated beforehand.

SUGGES-
TIONS FOR
DISCUSSION
OF THE BUD-
GET IN PRO-
VINCIAL
COUNCILS.

15. I think these difficulties admit of being met by the plan outlined below, which would at any rate give the Councils much more real power than they have now, or indeed than any one, except Mr. Bradlaugh, has ever proposed to give them. It will be convenient to state the proposal as it might be applied to a Provincial Council, where the problem is simpler than in the case of the Imperial Council. Throughout the discussions that have taken place, every one who has approached the subject in a practical way has recognised that a very large part of the Budget must be excluded from discussion leading up to voting for the simple reason that most of its heads relate to necessary expenditure and cannot be altered. There may also be certain items of expenditure which cannot be put to the vote because they form part of an accepted scheme which is in course of being carried out, or of a policy which has been decided on. It would be useless, for example, to invite a Provincial Council to discuss and vote upon the raising of the pay of the superior grades of the Police. That was determined upon as part of a large Imperial scheme, and, if exception were taken to it, the official majority would have to be used to prevent the scheme from being mangled, and different rates of pay introduced in different provinces for the same sort of work done by men recruited in England on an implied pledge of approximate equality of prospects. Actuarial grading, again, is too complicated and technical a matter to be voted on with advantage. It is therefore necessary to reserve all obligatory expenditure, namely :—

- (a) All expenditure already sanctioned.
- (b) All new expenditure which, in the opinion of the head of the Government, cannot suitably be debated and voted on by the Council.

I would not, however, state the matter in this form. The actual provision would be, not a rule withholding certain large classes of expenditure from the consideration of the Council, but a regulation under the Act empowering the head of the Government to refer any new expenditure to the Council. It would express, not a prohibition, but a concession, and as such it covers the whole of the detailed proposals made below. Those proposals would probably be embodied in *rules* made by the local Governments, as distinguished from *regulations* made by the Government of India with the approval of the Secretary of State in Council.

16. The next question is what new expenditure could properly be discussed and voted on. As to this, it is my experience that every local Government always has in hand a number of schemes, all of which it would like to carry out if it could find the money. All are desirable, though perhaps not equally desirable, but among them it is usually possible to find a certain number of which it may be said that it does not matter much which of them is sanctioned first, while it is impossible to sanction them all. My proposal, stated in general terms, is—

- (a) That the Government should determine which of the various schemes under their consideration are of such of a nature that there is not much to choose between them.
- (b) That it should also determine how much money is available for these schemes after the reservations mentioned in the last paragraph have been made.
- (c) That it should place the various alternatives before the Council for discussion and allow them to settle which shall be adopted.

I will now endeavour to work out the procedure.

17. During the earlier part of the financial year, say from May to November, the Government would take stock of all its pending schemes and

proposals with reference to their comparative urgency and would classify them as (a) obligatory schemes which must be carried out and could not be left to the Council, (b) optional schemes which might be put to the vote. Early

• My dates are provisional. The last Budget I did was the Imperial one of 1899 1900, and I do not remember the various stages of the estimates very accurately.

in December* the Government would know from the preliminary estimates about how much money was likely to be available for fresh expenditure. It would set apart the amount required for obligatory

schemes, and would determine the amount available for optional schemes. Let us assume that it had ready six desirable schemes, but only money for two, and that, all things considered, it did not matter much which two were taken up first. It would then—say about the middle of December—appoint a Budget Committee of the Legislative Council, consisting of five official members and five elected non-officials to consider proposals for allotting the sum available for optional expenditure. The Financial Secretary (or in Madras and Bombay the Member of the executive Council in charge of Finance) would be Chairman of the Committee, and would have a casting vote on a division. The instructions to the Committee would be to draw up or select from the papers and proposals laid before them a certain number of alternative projects for expenditure of such a nature that they might be referred to the full Council. The effect of each alternative on the major head concerned, and on the total provincial expenditure, would be calculated and shown. It would also be stated how many of these alternatives could be brought within the amount available for additional expenditure on the projects in question. The advantage of having a Committee is that it will associate experts and amateurs in formulating workable proposals. If this is left to the amateurs you will get impracticable suggestions which will fit neither the Budget nor the administrative system; if on the other hand, the business is confined to the experts, you will almost certainly fail to carry the Council with you. It would be open to any member, official or non-official, who was not on the Committee to lay before proposals which would be considered. The Committee would submit a report to the local Government stating the alternatives which they recommended for reference to the full Council, and the proposals which they rejected, with their reasons in each case.

18. At the usual time the Budget would be submitted to the Government of India, with the alternatives proposed by the Committee and their report, for sanction, the Committee's figures being modified with reference to the later phases of the accounts. When sanction had been received, the report would be circulated to all members of the Council with the Financial Statement and the Budget, and the papers might be published. Here I assume that the existing procedure will be maintained. If Provincial finance is separated from Imperial finance and local Governments are allowed (as Bombay proposes) to deal as they please with their own Budgets, this stage will go out and the scheme will be to that extent simplified.

19. When the Budget came up for discussion in Council, the procedure would be—

- (a) The Budget would be explained by groups of heads by the official members in charge of Departments, the explanation stating the case for and against the various alternatives arising in each group of heads.
- (b) The non-official and official members would speak on each group of heads.
- (c) The member in charge of each group would reply.
- (d) When the discussion by heads was finished the entire Council would vote on the alternatives placed before them by voting papers, each member having as many votes as there were schemes financially feasible. If, for example, there were six feasible alternatives and only money enough for two, each member would have two votes which he would allot to the two alternatives that he approved of. In the event of a tie the head of the Government would decide which proposal should be accepted.

20. Two further conditions must also be imposed :—

- (1) If any scheme voted by the Council requires, according to rule, the sanction of the Government of India or the Secretary of State, the vote should not take effect unless sanction is received, and only to the extent of such sanction. It may happen, now and again, that schemes laid before the Council have already received sanction, but this will not usually be the case.
- (2) The local Government must retain its present powers of reappropriation. If, for example, some scheme voted by the Council cannot be carried out during the year, the local Government must be at liberty to employ the funds allotted for that scheme as it may think fit, subject of course to the condition that the necessary provision must be made in the next year's Budget. Money which cannot be spent during the year need not be locked up merely because it has been voted by the Council

21. I have considered whether the discussion described above would range widely enough to render it possible to dispense with a general debate and to close the proceedings of the Council with the voting on the specific proposals for new expenditure. It is not desirable that a lengthy debate on groups of heads should be followed by an endless series of essays on questions of general policy. But I do not think we can get rid of the general debate. A rule to that effect would tend to confuse the debate on specific expenditure by inducing members to bring into that debate all the questions of general policy on which they wish to deliver themselves. Moreover, the Budget Committee must necessarily be a small one, and non-official members who do not succeed in getting elected to it, and who may have laid before it proposals which were not accepted, ought to have an opportunity of expressing their views. This can best be done in a general debate. It seems, however, desirable, in view of the amazing fluency and prolixity of the educated Indian, to set some limit to both sections of the Budget Debates. Mr. Gokhale proposes an arbitrary time limit for the whole debate. The objections to this have been noticed in paragraph 8 above. I suggest—

- (1) That the first stage of the debate should be confined to the specific proposals before the Council.
- (2) That in the second, or general stage there should be a time-limit of, say, a quarter of an hour for all speeches except those of *ex-officio* members when replying. The exception is reasonable. Each *ex-officio* member is in charge of several branches of the administration and he may have to reply to half a dozen attacks all directed at different points.
- (3) That points raised in the first stage should not be discussed over again in the second.
- (4) That matters which have formed the subject of a debate on a Resolution (*vide* proposals made below) should not be discussed in the second stage of the Budget debate.

It would be possible to lay down that the second stage of the debate should be confined to principles, following the rule as to the discussions leading up to the second reading of a Bill. But this would lead to the first stage, which it is especially desirable to simplify, being overloaded with detail. In the second stage, given a time-limit to speeches, things will adjust themselves. Members will learn to master their subject, to condense their views, and not to fritter away their time on details. This will have a great educative effect. In the report of the debate on the last Bengal Budget the speeches of seven Indian members cover 73 pages of the gazette and a single speech by the newly elected member for the University occupies 34 pages.

22. I have also considered whether any proposals for increasing or reducing the Provincial revenue can be referred to the Council. The fatal objection to this is that all such proposals affect some one's pocket, and that many of them raise or lower the price of some article in general demand and thus give an opening for speculation. I do not see how it would be possible for a local Government to refer to the Council such questions as raising the still-head duty on country

liquor or the license fees for spirit vendors in a Presidency town. The Budget Committee might perhaps be consulted, but even there, with five elected non-official members, there would be some danger of information leaking out. If, however, it is thought inadvisable to exclude the revenue heads altogether from the present scheme, the only suggestion that I can offer is that, when the Budget Committee meets, the Finance Member should explain the revenue estimates to the non-official members, and should listen to any suggestions that they may have to make. This will enable him to tell the full Council that the entire Budget has been considered by the Committee. It is most unlikely that any suggestions of value will be made, but it will please the non-official members to talk over the estimates in Committee.

23. I venture to think that the proposals made above do not offend against the constitutional principle noticed in paragraph 74 of the Government of India's despatch of 21st March 1907. The reference there is to the standing orders of the House of Commons, nos. 66 and 70 under which every motion which in any way creates a charge upon the public revenue, or the revenues of India, must receive the recommendation of the Crown, before it can be entertained by the House. Under the procedure now suggested the Government will have complete initiative in respect of the schemes referred to the Budget Committee for consideration, and will control, through the Finance Member's casting vote, the alternative proposals drawn up by the Committee for presentation to the Council.

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Erskine May, *Parliamentary Practice*,
pp 558, 929, 930.

24. I submitted a sketch of my plan to Mr. Brunyate for criticism and he has been good enough to write a note on the subject. My sketch and his note are annexed. I will take his points in order.

Paragraphs 1 and 2—I recognise the force of the objection from the standpoint of European practice, but I think the theoretical disadvantage pointed out is overborne by the political advantage of giving the non-official members of the Council a real say in matters of expenditure. And after all, taking the Budget as a whole, the Government will, under my scheme, propose to the Council a definite programme of expenditure. It is only certain items that will be left open, and even as regards these the Government *will* decide something, namely, that from the administrative point of view those items are of practically equivalent value.

Paragraph 3.—No one can feel more strongly than I do that the official majority should be paraded as rarely as possible, but I do not think the question arises here. If the head of the Government has decided, as the scheme assumes, that certain alternatives are admissible, he clearly does not need to call up his official majority to carry one rather than another. He can let the alternatives go to the Council as ordinarily constituted, that is to say without its full complement of official members. Schemes essential to the continuity of his policy will come under head (b) of paragraph 15 above and will not be referred to the Council at all.

Paragraph 4.—This question is too large to be discussed here, but I do not think it conflicts with the principle of my scheme.

Paragraph 5 (1).—I do not suggest that the Government should declare to the Council the exact sum available for new expenditure or the exact amount of new expenditure included in the Budget. The new expenditure referred to them in the form of certain alternatives will be the only new expenditure precisely indicated in the Budget papers. Everything beyond that will be merged in a mass of detail and practically indistinguishable.

Paragraph 5 (2).—I quite agree. My intention *was* to deal with the point in an arbitrary manner, namely, to say to the Council—here are six schemes and so much money, which will suffice for two schemes only; it is for you to say, after hearing argument, which two it shall be. The position in the Budget Committee will be different. There it will be open to any one to ask for more money from the balances, more schemes to choose from, and so on. But the Finance Member will be able to reject all unsound proposals, so that the voting in the Council will be confined to the issues formulated by the Committee.

Paragraph 7.—I think consequential expenditure is covered by head (b) in my paragraph 15 above.

Paragraph 8.—The question is one for the local Government.

Paragraph 9.—My objections to Mr. Brunyate's alternative proposals are first, that they are complicated, and second, that they give the Council no independent power at all. My object is so to arrange matters that at the close of the Budget debate the Council will feel that they have actually carried something—that they have passed so much for village water-supply, so much for a drainage scheme, etc., and that they have done this off their own bat in fair and open debate. Nothing short of this will satisfy anybody, but I believe that something on the lines which I have indicated will be received as a substantial concession to popular feeling.

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DISCUSSION
OF THE BUD-
GET IN THE
IMPERIAL
COUNCIL.

25. The case of the Imperial Council is more difficult to deal with, because it is complicated by the question of remitting taxation. The existing procedure is described in paragraphs 14 and 15 of Hon'ble Sir Edward Baker's note of 20th July 1906. Taking these as read, I suggest the following arrangement:—

- (1) The Government of India should determine, as it does at present, whether the forecast of the ensuing year justifies a reduction of taxation. Let us assume that it does not, but that it indicates a substantial surplus which might be applied to two out of four possible objects, all the objects being good, but the surplus being insufficient for more than two of them.
- (2) Having come to this conclusion, the Government of India would tell the Secretary of State that they were unable to remit taxation, but that they proposed to give the Legislative Council their choice of any two out of four schemes of expenditure. An alternative case would be that so much taxation would be remitted, and that the balance available for expenditure would be left to the Council, to deal with in the form of alternatives.
- (3) If the Secretary of State accepted the proposal, a Budget Committee would be formed, supplied with the necessary papers and instructed to formulate definite proposals to be voted on in Council.
- (4) The further stages would correspond *mutatis mutandis* to those suggested in paragraph 19 for the Provincial Councils.

Obligatory expenditure would, of course, be reserved, as is proposed in the case of Provincial Councils in paragraph 15.

26. I have on several occasions discussed this question with Sir Edward Baker and I understood him to be of opinion, without going into the subject minutely, that something on the lines sketched above would probably be feasible. But in the case of the Imperial Budget, there are some special difficulties which do not arise, or are not so serious, in the case of the Provincial Budgets. These are—

- (1) That the transactions of the Government of India are on a much larger scale, and involve more questions of general policy, than those of the local Governments.
- (2) That it is less easy to determine whether certain alternatives are so nearly equivalent that the decision between them may be left to the Council.
- (3) That the conflicting claims which have to be considered are those of Provinces, and not merely of different interests within a single Province. This rather complicates the question, and seems at first sight to render it necessary to enlarge the Budget Committee so as to give each province a representative. That, however, would make the Committee very unwieldy, and it would perhaps be better simply to empower the representatives of Provinces to submit proposals to the Committee, who if they thought fit might give some of them a personal hearing.

Nevertheless, I feel that an effort ought to be made to give the enlarged Council some effective voice, however small, in determining a part of the Imperial expenditure. If that cannot be done, it may be necessary to abandon the Provincial proposals. We cannot well admit options in the Provincial Councils and refuse them in the Imperial Councils.

27. In order to form some idea of the issues that might be referred to the Council, I have examined the Financial Department proceedings for the last five years which deal either with the allotment of the anticipated surplus of the ensuing year or with the distribution of an unforeseen windfall towards the close of the current year for expenditure during the coming year. Thus in March 1904 the Government of India gave 22 lakhs to local Governments for expenditure on a variety of objects enumerated in the demi-official correspondence printed in Finance Department Proceedings, May 1904, nos. 154-167. In the course of the discussions a number of proposals were mentioned, namely, a grant for the Calcutta Improvement scheme, grants to Bombay and Punjab for civil works, increased provision for irrigation works, special grants for the Calcutta Museum, the Zoo, a drainage scheme in Howrah, the expansion of Simla, improvement of the Port of Chittagong, school buildings in Assam, hospitals, hostels, museums, colleges and water-supply in the Punjab, public parks, hospitals, libraries and colleges in the United Provinces, hospitals, etc., in Madras, public offices, museum and hospital in Rangoon, museum, hostels and botanical gardens in Bombay, and leper asylums, hospitals, schools, public gardens, etc., in Bengal. In the following year (despatch of 12th January 1905) the Government of India proposed to the Secretary of State to apply a great part of the surplus anticipated in 1905-06 to the following purposes :—

I.—Reduction of salt duty by eight annas a maund	...	1,70 lakhs.
II.—Grants for primary education	... ..	35 "
III.—Remission of famine cesses in Punjab, United Provinces and Central Provinces	... ..	21 "
IV.—Grants-in-aid to District and Local Boards	... ..	55 "
V.—Grants for agricultural development, education or research	...	20 "
Total		3,01 lakhs.

In January 1906 they proposed to utilise the surplus of 1906-07—

- (1) in remitting 78 lakhs of local taxation;
- (2) in additional grants of 25 lakhs for police reform ;
- (3) in grants of 10 lakhs for agricultural and veterinary improvements ;
- (4) in grants of 5 lakhs for European and technical education.

In January 1907, it was proposed to reserve 20 lakhs against a scheme for remitting the fees for primary education in Government and State-aided schools. The scheme has not yet materialised, and the papers put up do not show what became of the 20 lakhs. In January 1908, the Government of India told the Secretary of State that with an anticipated surplus of only 111 lakhs, 80 lakhs of which must be set aside as a working margin, no remission of taxation could be contemplated. They proposed therefore to give 12 lakhs to certain provinces for police reorganization, and to distribute 20 lakhs (raised to 30 later on) among all the Provinces for sanitary improvement with special reference to the prevention of plague.

28. This is a very rough sketch of the manner in which the surpluses of recent years have been dealt with. It suggests to me that some one, who is better acquainted with the details of the subject than I am, might find it possible on future occasions to lay before the Budget Committee a note explaining the financial position, the wants of the different Provinces, the various proposals under consideration, and so on, and that on the basis of these materials alternative schemes might be formulated for reference to the full Council. Perhaps also it might be possible through the same machinery to give the Council a voice in departmental questions such as reductions or changes in postal or telegraph rates, alterations in fees for process-serving or fees for registering documents, or even the question between spending money on the improvement of third class accommodation and some other form of railway expenditure.

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29. It further occurs to me—I throw out this idea with extreme hesitation—that it might be worth while to consider whether we might put to the *Committee*, not to the Council, some such general issue as this:—“The probable surplus, so far as it can be estimated at present, is sufficient to admit either of the reduction of taxation or of certain additional expenditure. Should it be applied to the reduction of taxation (not specifying *what* taxation or stating the amount of the surplus, but allowing the members to discuss the subject and indicate their preferences) or should it be devoted to (a) secondary education, (b) technical education, (c) sanitation, (d) raising the pay of ministerial officers, etc.?” At first sight this appears to conflict with the second consideration mentioned in paragraph 30 of Secretary of State’s despatch of 17th May 1907, but that might be got over by obtaining his consent to the reference being made. There may well be occasions when the question as between reducing taxation and incurring popular forms of expenditure may be so nicely balanced that the Government of India might be willing to leave the decision to the Committee, and to say either in the financial statement or in the Budget debate that they had done so.

30 The proposals put forward above are, I fear, sketchy and inadequate. But after much consideration I can think of nothing better. They may, perhaps, be of some assistance to the Hon’ble Mr. Meston in dealing with the subject.

QUESTION
OF RESOLU-
TIONS.

31 The question of permitting the members of Legislative Councils to bring forward for discussion administrative questions and to move resolutions relating to them was first raised more than twenty years ago. Heads (6) and (7) of Resolution IV passed by the National Congress of 1886 run thus:—

- “(6) All legislative measures and all financial questions, including all budgets whether these involve new or enhanced taxation or not, to be necessarily submitted to and dealt with by these Councils. In the case of all other branches of the administration, any member to be at liberty, after due notice, to put any question he sees fit to the *ex-officio* members (or such one of these as may be specially charged with the supervision of the particular branch concerned) and to be entitled (except as hereinafter provided) to receive a reply to his question, together with copies of any papers requisite for the thorough comprehension of the subject, and on this reply the Council to be at liberty to consider and discuss the question and record thereon such resolution as may appear fitting to the majority. Provided that, if the subject in regard to which the enquiry is made involves matters of Foreign policy, military dispositions or strategy, or is otherwise of such a nature that, in the opinion of the executive, the public interests would be materially imperilled by the communication of the information asked for, it shall be competent for them to instruct the *ex-officio* members, or one of them, to reply accordingly, and decline to furnish the information asked for.
- (7) The Executive Government shall possess the power of over-ruling the decision arrived at by the majority of the Council, in every case in which, in its opinion, the public interests would suffer by the acceptance of such decision, but whenever this power is exercised, a full exposition of the grounds on which this has been considered necessary, shall be published within one month, and in the case of local Governments they shall report the circumstances and explain their action to the Government of India, and in the case of this latter, it shall report and explain to the Secretary of State; and in any such case on a representation made through the Government of India and the Secretary of State by the over-ruled majority, it shall be competent to the Standing Committee of the House of Commons (recommended in the third resolution of the last year’s Congress which this present Congress has affirmed) to consider the matter, and to call for any and all papers or information, and hear any persons on behalf of such majority or otherwise, and thereafter, if needful, report thereon to the full House”.

32. These proposals were embodied with slight alterations in clause 18 of Mr. Bradlaugh's Indian Councils Amendment Bill of 12th February 1890:—

" 18. No business shall be transacted at any meeting except as herein-after provided, namely :—

(a) All legislative measures and all financial questions, including all budgets, whether these involve the imposition of new taxes, the abolition, reduction, or increase of existing taxes, or the more equitable adjustment of present taxation, shall be submitted to and considered by the said Council. In the case of all other branches of the administration, any member shall be at liberty, after due notice, to put any question he sees fit to the *ex-officio* members (or such one of these as may be specially charged with the supervision of the particular branch concerned) and shall be entitled (except as herein-after provided) to receive a reply to his question, together with copies of any papers requisite for the thorough comprehension of the subject, and on this reply the Council shall be at liberty to consider and discuss the question and to record thereon such resolution as may appear fitting to the majority. Provided that, if the subject in regard to which the inquiry is made involve matters of foreign policy, military dispositions or strategy, or is otherwise of such a nature that, in the opinion of the executive, the public interests would be materially imperilled by the communication of the information asked for, it shall be competent for them to instruct the official members, or one of them, to reply accordingly, and to decline to furnish the information asked for.

(b) The Viceroy and Governor-General in Executive Council shall possess the power of over-ruling the decision arrived at by the majority of the Council, in every case in which, in his opinion, the public interests would suffer by the acceptance of such decision; but whenever this power is exercised a full exposition of the grounds on which this has been considered necessary shall be published in the Gazette of India within one month, and the Viceroy and Governor-General in Council shall report and explain to the Secretary of State; and in any such case on a representation made through the Government of India and the Secretary of State by the over-ruled majority, it shall be competent to a Grand Committee of the House of Commons, appointed for the consideration of Indian Legislative Council Appeals, to consider the matter, and call for any and all papers or information, and hear any persons on behalf of such majority or otherwise, and thereafter, if needful, report thereon to the House."

This Bill was withdrawn. In the later Bill of 26th November the provision for resolutions assumed more modest dimensions thus :—

" Provided further, the rules to be framed shall give power to any member at any such meeting of any such Council to submit or propose a resolution for the production of papers relating to any question and to divide the Council in respect of any such resolution; any member may enter a protest of dissent from the decision of the majority, and such protest shall be duly entered upon the proceedings of the Council. * * * * *

* * * A record of all proceedings at the meetings of the Viceroy's Council, as now published in the "Gazette of India," and of the Presidency and Provincial Councils, shall be published in separate volumes and presented yearly to Parliament."

33. The proposals of Sir George Chesney's Committee under this head were :—

(6) " that in addition to legislation it should be one of the functions of the Local Councils to originate advice and suggestions on any subject connected with the internal administration of the Provinces (not

being excepted subjects), and that for this purpose papers relating to the internal administration be freely laid before them by the Local Government;

- (7) that it be one of the functions of the Council to give advice and suggestions on any matter on which the Governor or Lieutenant-Governor may by writing require it, provided that the subjects excluded from the Council's consideration in clause (5) above, may, with the consent of the Governor General, form the subject of advice and suggestion by the Council;
- (8) that the advice or suggestions of the Councils should be in the form of a memorandum to the Governor or Lieutenant-Governor, that the memorandum should be prepared in Select Committee, and a debate, if necessary, should be permitted when the memorandum is introduced into Council and motion is made to pass it for presentation;
- (9) that the right of interpellation and the right to call for papers on subjects connected with the internal administration of the Provinces (not being excepted subjects) be allowed, subject to rules prescribed for the regulation of procedure, unless for reasons of state their production is considered undesirable."

The "excepted subjects" were those removed from the cognizance of the Provincial Legislative Councils by section 43 of the Councils Act of 1861, which forbids them, except with the previous sanction of the Governor General, "to make regulations or take into consideration any law or regulation" for any of the following purposes, namely, (1) public debt, customs, and Imperial taxes; (2) coin, bills, and notes; (3) post office and telegraph; (4) altering the Penal Code; (5) religion; (6) army and navy; (7) patents or copyright; (8) foreign relations.

Vol. III, p. 169.

P. 161.

P. 3.

P. 160.

These recommendations are also referred to in paragraph 15 of the Report. They appear to have been based mainly upon paragraph 8 of Sir Charles Aitchison's note of the 26th June 1888, and he, again, seems to have been much influenced by Sir Bartle Frere's Minute of 16th March 1860. See also paragraph 16 of Sir Antony MacDonnell's note of 10th September 1888 proposing that, in addition to simple questions "It would also be competent to any member to give notice of his wish to raise a debate on any matter which would form a proper subject for a question; but the President would have a final discretion to allow the debate or not."

Large print précis,
pp. 31 and 36.

P. 6.

P. 12.

34. The recent papers do not contain many references to the subject. No Government makes any specific proposal on the subject in connexion with the Legislative Councils, but the United Provinces thinks that the Provincial Council should meet once a quarter irrespective of legislation and the Punjab suggests meetings "once a month at least from November to April and twice between May and October, whether or not there was much business for discussion. This would give members an opportunity of ventilating matters of public interest and importance as the circumstances of any case might render necessary." One can hardly suppose that these Governments contemplate the Council being summoned merely in order that a certain number of printed questions and answers may be read out. Sooner or later the inconvenience, expense, and absurdity of such a performance must dawn upon somebody and the simple expedient of publishing the questions and answers in the provincial gazette would be bound to be adopted. In the case of the Advisory Councils Sir John Hewett goes much further, for he proposes that members of the Imperial Advisory Council should be empowered to bring matters of their own motion to the notice of Government, that no proceedings need be confidential unless the Council so determine, that the Provincial Advisory Council should be summoned at the request of one-third of its members, and that it "should be free to choose its own President and Secretary and conduct its deliberations in the absence of any Government official." He does not seem to realise that a discussion of Government measures conducted under these conditions would be a very one-sided and also a very ill-informed proceeding. It might well happen that the policy of the local Govern-

ment or even of the Government of India (for there would be no responsible Chairman to restrict the scope of the debate) would be attacked in a series of impassioned speeches delivered by people who were imperfectly acquainted with the facts and knew nothing at all about the motives of the Government. The speeches would be published and the Government would be left for the time being without a reply. The Chief Commissioner of the Central Provinces also proposes to allow the Provincial Advisory Council "to call attention to specific evils and to move resolutions thereon, or to propose amendments to Government proposals." But the Council to which he would give this privilege would, as outlined by him, contain eleven officials, which makes all the difference. The procedure suggested by the United Provinces Government seems to me to be less reasonable and less practicable than the proposal made by Vijayaraghavachariar that members of the Legislative Councils "may be made competent to move resolutions on any subject unconnected with a measure of legislation pending or in contemplation." He observes that this would "tend to greater mutual understanding and harmony between the executive Government and the members" and would "take away the effect of short questions and answers under strict rules from being misunderstood by the public generally and the information obtained from the Government or the refusal to afford any would be better understood and appreciated." In support of his proposal he refers to the practice of the Imperial Legislative Council as constituted under the Charter Act of 1853. The Bombay Presidency Association make a similar suggestion, namely—

Large print précis, p. 15

Madras précis, pp. 37 and 54 and p. 64 of enclosures to Madras letter of 13th March.

Bombay précis, p. 28.

(1) That any member may move for the production of papers relating to any question and may divide the Council if their production is refused.

(2) That when more than a third of the elected members represent to the President that any question of importance requires immediate or early discussion, a meeting of the Council should be called for the purpose without unnecessary delay.

35. In a note of 10th March 1908, submitted to the Private Secretary and passed on to me, Mr. R. C. Dutt puts forward the following proposal:—

"RULE 5.—Important administrative measures or acts may be brought up in the Council, either for elucidation of objects and reasons, or for explanation of facts, or for discussion, either at the instance of the President himself, or on a requisition signed by not less than a fourth of the Members of the Council. The President shall have the power to reject such requisition if, in his opinion, the debate asked for is likely to be attended with grave political or administrative inconvenience.

Illustration—When public feeling is excited by orders passed by Government for the prevention of plague, it will be open to the President of the Council to introduce a full debate on the subject, both for the purpose of explaining the objects and reasons of such orders, and for the purpose of enlisting the co-operation of the people. Similarly when the conduct of the police in regard to a public gathering has caused general indignation or alarm, it will be open to the Members of Council, numbering not less than a fourth of their total number, to submit a joint requisition to the President to permit an early debate, both for the elucidation of facts and for the removal of any just grievance."

Mr. Dutt adds by way of explanation—

"In Rule 5 I have tried to provide for a need which the Provincial Governments themselves have often felt,—the need for exposing misrepresentation, explaining true facts, allaying unfounded alarms, and enlisting the co-operation of the people in measures which are ultimately for the good of the people. The same rule also enables the people themselves to bring forward their grievances in a constitutional way before the Government in times of excitement. I anticipate the proper working of this Rule will clear away many misapprehensions, remove many difficulties, and bring the Government in closer touch with the people."

I pointed out to Mr. Dutt the possibility of this right being abused, and of attempts being made in Bengal to have the Council summoned at unduly frequent intervals. He explained that he did not contemplate a meeting being held at once, but only on the first convenient occasion, as for example when the Government came down from the hills in ordinary course.

Sir George Ches-
ney's note of 71st
May 1888, Vol. II, p.
26.

36. I have always been much impressed with the benefits which both the Government and the educated public would derive from a well-ordered discussion of administrative subjects in the Legislative Councils. Taking first the Government point of view I think the present system often operates to our disadvantage. When interpellations were introduced it was believed that "the Government would be decidedly gainers by having an opportunity of explaining their policy and exposing misrepresentations." But this is not by any means invariably the case. The interpellator has, so to speak, the lead. He frames his question with much ingenuity so as to convey an impression adverse to the Government which the reply, being limited in its scope by the terms of the question, frequently fails to remove. The other non-official members and the outside public know nothing of the facts, and the innuendo conveyed by way of recital in the opening portion of the question is usually developed to the prejudice of the Government by the native press. In many cases an open debate, possibly illustrated by extracts from papers, would clear the air and would make professional politicians chary of attacking the Government when they could not choose their own ground, and would run the risk of being met by an effective reply. So far as the educated public are concerned, there can be no doubt that the right to move resolutions on administrative questions will be welcomed as a very great concession, that it will be resorted to freely, and that it may tend to reduce the number of interpellations. In order to illustrate the use that may be made of it in the Imperial Council I have brought together in an Appendix to this note the resolutions passed by the National Congress from 1885 onwards, except in two years, the reports for which are not available. At first sight the list appears rather formidable, and some of the subjects may be thought likely to prove embarrassing. But I believe it is better to talk such subjects out, and get to the bottom of them, than to allow them to rankle as perennial grievances. Of course the debates will give a good deal of trouble at first, but the labour will be well repaid if the discussions result in the destruction of a number of popular fallacies.

37. The discussion of administrative questions can however only be permitted subject to certain necessary conditions which must be clearly laid down. I will attempt to state these:—

- (1) No resolution expressing the opinion of the Council at the close of a debate should have of itself any force or effect. It must rest with the Government to take action or not to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its resolutions a higher degree of authority than attaches to those of the House of Commons. The correspondence that took place in 1893 and 1894 regarding the Resolution of the House of Commons as to the holding of simultaneous examinations in India and in England for the Indian Civil Service furnishes a good illustration of the principle involved. In forwarding the Resolution to the Government of India for examination Lord Kimberley invited free criticism of it; Sir Henry Fowler had no hesitation in setting it aside; and throughout the discussions there is no trace of any tendency to put on it a higher value than the proposal which it embodied might possess on its own merits. On 13th June 1893, when the question of simultaneous examinations was brought up in the House of Lords in connexion with a reply given by Mr. Gladstone to a question in the House of Commons, Lord Salisbury said: "I apprehend that the constitutional doctrine is this: The House of Commons has the absolute right of selecting the group of statesmen from whom an Executive is chosen; and it has the absolute right of dismissing those statesmen from office when it ceases to trust them; but it has not the right to take the management and conduct of the Executive into its own hands. The Executive Government so selected has, according to our constitution, the right and the duty of discharging the offices of the Executive and the Prerogatives of the Crown, and it is not the duty of Ministers of the Crown simply to accept a Resolution of the House of Commons on a matter of

*Parliamentary
Government in
England.* Todd
and Walpole, Vol
II., pp. 141, 142,
153 and 154.

Executive discretion, as though that concluded the question, and no further discussion was to be permitted."

- (2) We may also follow high English authority in condemning abstract resolutions, a mode of procedure which I should expect Indian politicians to be very prone to adopt, with the object of obtaining from the Government a premature admission of principles which the opposition would afterwards claim as a pledge. *Ibid*, p. 142 and note (4).

It does not, I think, follow from (1) and (2) that there should be no voting on resolutions because they can produce no immediate result. On the contrary I should expect the divisions to be of value by enforcing the responsibility of non-officials, and by bringing out divergences of opinion among them. If the Council did not vote at all, it would be alleged that those non-officials who did not oppose a resolution were in its favour.

- (3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted. *Ibid*, p. 75.

- (4) The President must have power to disallow any resolution without giving any other reason than that in his opinion it cannot be discussed consistently with the public interests. This will enable him to reject resolutions relating to matters which could not be discussed without anticipating or seeming to anticipate the decision of the Secretary of State, and also resolutions which ought to be moved in a Provincial Council. The latter case must be provided for as the tendency will be to bring up Provincial questions in the Imperial Council, in order to put pressure on the local Government, and to escape replies from the officials best acquainted with the facts. *Of rule 8 of our rules for asking questions.*

- (5) In order to avoid the too frequent use of the general power of disallowing resolutions, some subjects probably ought to be expressly excluded. In the case of the Provincial Councils the proposals of the Chesney Committee (paragraph 33 above) seem to be suitable. In the case of the Imperial Council the matter is not so clear, and I find it difficult to make up a definitive list. It will, I think, be sufficient to say that it is desirable to exclude some subjects, and that the question which they should be can be settled later on.

- (6) The President must be able to rule out of order in the course of debate any reference to or comments on the action of another Government. This is analogous to the rule which precludes a Provincial Council from entering upon a criticism of Imperial Finance. I have heard this rule flagrantly infringed in a debate in the Bombay Council at which I happened to be present in 1900. I drew Lord Northcote's attention to the matter during lunch and when the debate was resumed he referred to the point and expressed regret that he had not ruled the speaker (Sir Pherozeshah Mehta) out of order at the time. When Surendra Nath Banerjee was a member of the Bengal Council he made several attempts to insinuate an attack on the Government of India into his speeches on the Budget, but he was always stopped. *Practice and Procedure of the Government of India*, p. 173 l.

- (7) It seems desirable to take very ample power to amend motions so as to place clear issues before the Council, and to reject the redundant and multifarious resolutions which the average non-official member will endeavour to bring forward.

- (8) The House of Commons procedure gives the mover of a substantive motion the right of reply. I see no reason for following this precedent. As no resolution can produce any result except by the voluntary action of the Government, I think the member or members in charge of the branches of business concerned ought to have the last word. *Erskine May's Parliamentary Procedure*, p. 321.

- (9) The present rules require six days' clear notice to be given of a question. That will not be enough for a resolution, which may range over a long period of time, and require much research on the part of the officer who has to reply to it. I suggest a fortnight's notice, which the President would have power to extend as is the case under the present rules.
- (10) I would give power to the President to disallow a *question* and direct the member putting it to submit a motion for his consideration. This would meet the case where a question is asked in order to create prejudice.
- (11) It will be necessary to guard against amendments to the Budget being brought forward in the guise of motions. The simplest means of effecting this will be to bar all motions directly or indirectly affecting the Budget. The subjects of such motions would find their proper place in one or other of the two stages of the Budget debate.
- (12) I am inclined also to take power to refer any motion to a Committee half elected and half nominated, with an official Chairman, which would make a report to the Council. When the report was presented, there might be a debate which would give the Government an opportunity of announcing its decision in a less formal manner than is possible through an official letter or resolution. The association of officials and non-officials on a Committee dealing with an administrative question would of itself have a good effect, and even if nothing came of it, both classes of members would learn a great deal. And sometimes it might happen that a proposal, impracticable in its original form, would be transformed in Committee, with the concurrence of its author, into a workable scheme.
- (13) All this opens a large vista of additional work and considerable expenditure of time. Twenty years ago, when I was studying local self-government in Hanover in the hope of picking up ideas which would be useful in India, Count Wilhelm Bismarck, who was then the head of the district, said to me, *à propos* of some remark that I had made about their rather ponderous methods of transacting business: "These fellows take two hours to do what I could do better in ten minutes, but it pleases them, and it is one of the ideas of the day." That fairly expresses what we may be coming to, and we must be prepared to put up with a slower rate of progress and with some sacrifice of efficiency as hitherto understood. The administrative machine must, however, be kept moving and an unrestrained flow of resolutions would undoubtedly clog its wheels. What restrictions can we introduce without incurring the charge of attempting indirectly to evade or stifle discussion? Two practicable suggestions have been made—I omit an impracticable one which I thought of and now reject. The Hon'ble Sir Harvey Adamson thinks that in the Imperial Council one day in the month might be given up to motions throughout the session. The Hon'ble Mr. Erle Richards has suggested that, whenever the Council meets for legislative business, motions should be taken, after that business has been disposed of, up to 2 P.M., when the Council would rise as a matter of course, and the debate would be adjourned for a week or a fortnight as the case might be. Either plan would suit the provincial Councils.

QUESTION OF INTERPELLA- TIONS.

38. It is taken for granted throughout the opinions that the existing system of asking questions will be maintained. All local Governments are in favour of this, including the Punjab and Burma where interpellations are not now allowed. The non-official opinions are, with few exceptions, to the same effect. Four of them, however, go somewhat further. A public meeting at Tinnevely in Madras, and the Bar Library of Sylhet in Eastern Bengal and Assam propose in general

terms that supplementary questions should be permitted. Mr. Vijiaraghavachariar would allow a member when asking a question to make a statement in support of it, and to put supplementary questions without previous notice. The answers, he adds, might be accompanied by explanatory statements. The Bombay Presidency Association say :

Madras précis, p. 37.

Bombay précis, p. 27.

- (1) That there should be no other restriction on the right of interpellation than the power to refuse to answer any question on the ground of public interest.
- (2) That the reasons for putting a question should be allowed to be given so that there should be "no misapprehension as to its object and no excuse for the generally unsatisfactory nature of the reply."
- (3) That supplementary questions should be allowed "when the answers do not give the required information through inadvertence or misapprehension."
- (4) That written interpellations should be allowed every two months when the Councils are not sitting.

39. The English practice in the matter of questions is fully described by Todd and Erskine May. As regards supplementary questions the latter says (p 252) that "further questions, without debate or comment may, within due limits, be addressed to [ministers], which are necessary for the elucidation of the answers that they have given. The Speaker has called the attention of the house to the inconvenience that arises from an excessive demand for further replies, and, to hinder the practice, he has occasionally felt it necessary to call upon the member in whose name the next question stands upon the notice paper, to put his question." Sir Erskine May adds in a note that a supplementary question cannot be based upon a printed answer. This refers to the practice described in standing order No. 9, under which answers to questions not marked for oral replies are printed and circulated with the votes. I am very strongly of opinion that supplementary questions ought not to be allowed. In a well-known essay Sir Henry Maine speaks of "the far-reaching and perpetual interference with the Executive Government, which is now exercised by the House of Commons through the interrogation of the Ministers." In the Bengal Council since 1893 there has always been a tendency in this direction, and the enlarged councils cannot be expected to resist the temptation to make the utmost use of any privilege that the rules of business may give them. Even now the elected non-official Members are expected to justify their existence by asking questions; if they do not, the newspapers charge them with neglecting their duty to their constituents; and I remember the *Amrita Bazar Patrika* publishing the numbers of questions asked by certain members as a statistical test of their comparative efficiency. I do not wish to suggest that in asking for the power to put supplementary questions Mr. Vijiaraghavachariar and the Bombay Presidency Association are acting in bad faith, and intend to make an unfair use of the privilege. They could probably point to instances of unduly curt replies given by officials, and it is not unnatural that they should wish to copy the practice of the House of Commons as closely as possible. Nevertheless I am confident that the power would be abused and that the heads of local Governments, who have neither the prestige of the Viceroy, nor the traditional authority of the Speaker of the House of Commons, would be unable to control it effectually. Members would soon discover how readily the Government can be embarrassed by the adroit use of this method. A simple interpellation, which had been submitted to the head of the Government and possibly been revised under his orders, would be followed up by a running fire of supplementary questions full of argument and innuendo, over which no check could be exercised. No one can study the proceedings of Parliament without seeing that ministers are sometimes rather put to it to avoid the snares thus set for them, and have to take refuge in asking for notice of questions which they cannot answer on the spur of the moment. In Councils with no traditions of reasonableness and forbearance, where the rules are pushed to their utmost limit, our officials would be at a still greater disadvantage if they were subjected to unrestricted cross-examination, and the native press would make the most of their not unfrequent discomfiture. For these reasons I would refuse to allow supplementary questions, and would justify the refusal by reference to the large concession of the right to bring forward motions.

Parliamentary Government pp. 85-92.
Parliamentary Practice, pp. 246-252.

May, p. 926.

40. The further question arises whether any provision should be made for interpellations when the Councils are not sitting. It has been suggested above that there would be no difficulty in arranging for questions to be sent in to Government and published, with the answers, in the Gazette. But I think we should consider very carefully before we adopt this course. There is no precedent for it in English practice, nor, so far as I know, in the usage of any legislative body in the world, and it is at least arguable that a breathing space is in itself a desirable thing, that it is not good for people to be incessantly employed in concocting interpellations, and that a continuous stream of questions which have to be answered within a week or ten days will add greatly to the burdens of the Secretariat, will make for centralisation, and will suggest that a Government whose actions present so many questionable features must be a bad Government. I should therefore prefer, in the case of the Provincial Councils, to provide for their meeting at reasonable intervals, for the purpose of discussing motions and answering questions, whether any legislative business was pending or not. Most of them come down from the hills during the rains and the Council could easily be summoned then. No special provision need be made for the Imperial Council, in respect of which the existing arrangements may continue.

**RULES OF
DEBATE.**

Practice and Procedure, p. 148.
May, p. 310.

41. With an enlarged Imperial Council in which motions may be introduced and the Budget is debated by heads, it will clearly be impossible to maintain the cut-and-dried system under which members sit round a table and read their speeches, without rising from their seats, in order of seniority. In respect of these matters of procedure the rules of the Provincial Councils show some differences. In Madras, Bombay and Bengal members stand up to speak; in the other provinces they remain seated. The Bengal rule no. 10 following the practice of the House of Commons, forbids a member to read his speech, but allows him to refresh his memory by referring to notes and to read as part of his speech passages from books or papers cited in support of his argument. In my experience this rule has worked well. It does not really prevent members from reading their speeches (since what purports to be notes may be a speech written out word for word) but it compels them to get their matter up more carefully than they would otherwise do, and it encourages officials to form the habit of speaking from notes or even without notes. Madras rule 14 allows members to read their speeches, a provision which appears nowhere else. None of the provincial rules require members to speak in order of seniority as rule 9 of the India rules read with rule 5 does. It seems to me unnecessary for the Government of India to refer to these matters in addressing the Secretary of State. It is obvious that the rules of debate will have to be adapted to the new conditions, but the question may well be left to be settled later on.

18th August 1908.

H. H. RISLEY.

I will first note on the question of resolutions. I think that the facility of moving and discussing resolutions on administrative matters in the Legislative Councils is one that will be appreciated by the educated classes. It will enable them to make their voices heard on important points of policy. It will at the same time be useful in giving the Government opportunities of explaining its acts, and will tend to bring the executive into closer touch with the representatives of the people. It is clear, however, that we cannot give to the Legislative Council the right to take the management and conduct of the executive into its own hands. If a resolution on administrative matters is passed in the Legislative Council it must not be binding on the Government. It should certainly carry a considerable amount of moral weight, and should not be lightly rejected. The duty of Government would be to give respectful consideration to the matter, but nevertheless to decide on the course to be followed on its own responsibility.

2. This is indeed the effect of a resolution of the House of Commons, as was exemplified in the case of the resolution that competitive examinations for the Indian Civil Service should be held simultaneously in England and India.

3. The constitution of our Legislative Councils (Imperial and Provincial), as we propose to form them, renders it necessary that this principle should be definitely established. We are providing for an official majority in a full Council. That is to say we take power to create at any time a Council with an official majority. But we propose to conduct our ordinary legislative business with Councils that have no official majority. These will be sufficient for ordinary legislative purposes. But if we are to allow resolutions on executive matters to be moved and voted on in such Councils, it is absolutely necessary that these resolutions should have merely an advisory value.

4. I think, however, that we should take public means of showing that we intend to give respectful consideration to all resolutions passed in the Legislative Councils. I propose that if at any time Government finds itself unable to comply with a resolution passed in its Legislative Council, it should publish in the official gazette a full statement of the reasons for non-compliance. This of course does not relate to legislative measures in which the vote of the majority will prevail as at present.

5. I think that it is unnecessary at first to lay down any definite rules as to the subjects on which resolutions may be moved. Full power should be given to the President to disallow discussion. The ordinary principle should be that discussions should be disallowed if they cannot take place without inconvenient and injurious consequences to the public service, or without eliciting expressions of opinion from the executive which it would be premature and prejudicial to make known. I think it would be an advantage if a reason were given in each case for disallowing a discussion. It could be easily furnished in all cases, and I do not think that there is any object in disallowing discussion without assigning a reason.

6. Power should be taken to amend the drafting of resolutions in the same way as we amend questions. I agree that the mover need not be given the right of reply, and that the term of notice required should be a fortnight. As regards clauses (10) and (12) of paragraph 37 of Sir Herbert Risley's note, I am not in favour of disallowing a question and requiring the member to submit a motion, or of referring motions to a committee. These discussions will, even when cut down to the smallest scope, occupy time that members of the Executive Council will find it difficult to spare, and I am against any suggestions that would tend to make them more irksome.

7. I think that so far as the Imperial Council is concerned a sitting of four hours once a month during the Calcutta session ought to be sufficient. These discussions will require a considerable amount of research and preparation, and a fortnightly sitting would entail an unendurable strain on the members of the Executive Council and also on the secretariats. All members, and especially the Finance member, have their hands quite full during the Calcutta session, and will find a monthly discussion to be about as much as they can bear.

8. I would be inclined to allow interpellations at fixed times during the Simla session. Answers might be published in the gazette on say 1st June, 1st August, and 1st October. I agree that supplementary questions would be a dangerous innovation in India.

9. I agree with paragraph 41 of Sir Herbert Risley's note on the subject of the rules of debate.

10. I now come to the Budget debate, and I may admit at once that my opinion on this matter can be of little value, as I have had no secretariat experience and never framed a budget. The question is essentially one for the Finance Department, and a very vital one for it. It should I think come up from the Finance and not from the Home Department to the Council Committee. The Hon'ble the Finance Member, whom I have consulted, agrees that this is the best course. I will therefore ask the Finance Department to accept transfer and at present will only venture to make a few general remarks.

11. My criticism, for what it is worth, on Sir Herbert Risley's proposals is that they give very little scope for a discussion of budgets. At present the Budget Committees of the Provincial Councils, which have been recently constituted by local Governments, are allowed to discuss the whole budget, whereas the proposed Budget Committee, which is to sit in December, will have a voice in only the optional schemes. After deducting expenditure already sanctioned, and new expenditure which in the opinion of the head of the Government cannot suitably be debated and voted on, there will probably be little left for the Legislative Council to consider. Whether priority should be given to a circuit-house for Lucknow, a bazaar for Benares, or a school for Agra, would probably be all that they would be called on to decide, and it may be doubted whether the Legislative Council would take much interest in such questions, or would be a proper authority to decide them. As regards the Imperial Council I confess that I cannot see clearly what business could be left to be decided by vote.

12. If I may venture to suggest a solution I think that it lies in the first paragraphs of this note. I do not see why resolutions on the budget should have more weight than resolutions on other executive matters. We ought not to give the actual power over the purse to Legislative Councils which as yet contain popular representation only in the most rudimentary form. We might allow motions to be made and voted on, but it should rest with the Executive Government to act on them or not on its own responsibility. In short I would place budget resolutions on exactly the same basis as the resolutions on executive matters which I have discussed above. If this were done we might have Budget Committees that would advise on the whole budget, and resolutions on almost any question of finance, which, if passed in Council, would give an opinion of the Council which would be entitled to the respectful consideration of Government. In this way, without tying the hands of the executive, we could provide for a much fuller and more useful and searching discussion of the budget, than if the discussion were confined to the respective priority of a few unimportant items of expenditure, regarding which the Government is *ex hypothesi* indifferent, and the Legislative Council is probably uninterested.

13. The Finance Department may now be asked to accept transfer so far as concerns the discussion of budgets.

H. A [DAMSON],—23-8-08.

Discussion of the Budget in the Provincial Council.

(1) Reserve obligatory expenditure, namely,

(a) all expenditure already sanctioned ;

(b) all fresh expenditure which in the Lieutenant-Governor's opinion is not suitable for discussion. (Failing this you may have attempts at blocking or mutilating some scheme which has received the sanction of the Secretary of State. To reserve matters of this kind *sans façon* seems to be better than to use the official majority to carry them.)

(2) When the requisite figures are ready—say in December or January—appoint a Committee of five official members and five elected non-officials to consider proposals for the expenditure not reserved under, (a) and (b). The Financial Secretary would be Chairman of the Committee and would have a casting vote on a division. The instructions to the Committee would be to draw up or select from the proposals laid before them a certain number of alternative projects for expenditure which might be referred to the full Council. The effect of each alternative on the major head concerned and on the total provincial expenditure would be calculated and shown. It would also be stated how many of these alternatives could be brought within the amount available for additional expenditure. The idea is to associate experts and amateurs in formulating workable proposals. If this is left to the amateurs you will get impracticable suggestions which will fit neither the Budget nor the administrative system : if, on the other hand, the business is confined to the experts you almost certainly fail to carry the Council with you.

(3) It would be open to any member, official or non-official, who was not on the Committee to submit proposals to it which would be considered.

(4) The Committee would submit a report to the local Government stating the alternative which they recommended for submission to the full Council and the proposals which they rejected with reasons.

(5) At the usual time the Budget would be submitted to the Government of India with the alternatives proposed by the Committee and their report for sanction, the Committee's figures being modified with reference to the later phases of the accounts.

(6) When the Budget came up for discussion in Council, the procedure would be—

(a) explanation by groups of heads by the official members in charge of Departments, the explanation to state the case for and against the various alternatives arising in each group of heads.

(b) Speeches on each group of heads by non-official and official members.

(c) Reply by member in charge of each group.

(d) When the discussion by heads was finished the entire Council would vote on the alternatives placed before them by voting papers, each member having as many votes as there were feasible schemes. If, for example, there were ten conceivable alternatives and only money enough for five each member would have five votes which he would allot to the five alternatives which he approves of. In the event of a tie the Lieutenant-Governor would decide.

(7) As the speeches on the groups of heads would cover the entire range of administration it is not altogether clear that any further general discussion is called for. But if it is thought that such a discussion is necessary in order to enable the non-official members to put forward their views on questions of general policy it seems desirable that there should be a time limit either to the discussion as a whole or to the general portion of it. Otherwise a lengthy debate on groups of heads will be followed by an interminable series of essays upon general questions of policy.

Note on Sir Herbert Risley's proposals regarding the discussion of the Budget in the provincial council.

It seems to me to be an essential obligation of a Government that it should itself assume the responsibility of proposing to the legislative body a definite programme of expenditure, and that a procedure which contemplates that the legislative body as a whole should be at full liberty to pick and choose on the basis of free voting, among a group of alternatives, even though they be selected measures, involves an abdication of the directing functions of Government, which is a serious flaw in the scheme.

2. I would prefer to put this objection forward as a matter for general consideration, apart from mere theories of finance. But if a theoretical basis is required, I think it is found in the fact that taxation is intrinsically an evil, only to be tolerated because certain public expenditure is essential. Accordingly, the taxing power must, in the nature of things, be prepared to justify itself by putting forward the definite programme of expenditure which it regards as being so obligatory as to require the imposition of taxation, or the retention of a standard of taxation already attained. The present proposals practically put the Government in the position of saying to the legislative body: "there is so much money which can be spent; decide how you would like to spend it." This is an exact inversion of what I believe is the constitutional order, under which the Government come to the legislative body and say: "there is so much expenditure which must be incurred; we ask you to vote the funds to meet it."

3. Also from the practical point of view, I cannot help thinking that the head of a Government would find himself embarrassed, and the continuity of his policy impaired, if he were obliged to defer so completely to the chances of a general vote. The scheme, of course, contains safeguards which, if he chooses to enforce them, will enable him to get his way as much as at present; but it is, I imagine, admitted that these safeguards should be sparingly used. As Sir Herbert Risley is aware, I think that the spectacle of 20 or 25 officers voting solidly under the orders of Government should be offered to the public as rarely as possible.

4. In connection with the objection raised above, I may perhaps notice a point which is likely to become more prominent before long, i.e., the fact that the present system of provincial finance, while it gives a local Government the secured possession of certain revenues, contains no machinery by which a portion of those revenues can be restored to the tax-payer by remission of taxation, in the event of their proving unduly large. Under the older system of provincial settlements, there was no real anomaly in this respect. If provincial revenues were too ample, the remedy was for the Imperial Government to resume the excess after a short period, and when its own revenues were thus supplemented, the question of remission of taxation would have naturally followed. Under present conditions, no such resumption is ordinarily contemplated, and even if the Government of India remit taxation themselves, they compensate local Governments for the immediate loss involved. Under this scheme, we shall find great prominence being given to the additional sum available for new expenditure every year, Rs. 10, Rs. 20, Rs. 30 lakhs and so forth, and the question must inevitably, I think, arise: why should not the tax-payer himself have a claim upon this margin? If the local Governments are not prepared to assert that certain expenditure sufficient to utilise it fully is essential, the question asked will not, as it seems to me admit of any very conclusive reply.

Indeed in any case the question presents, I think, a real difficulty, and we may find ourselves ultimately coming to some such plan as the treatment of taxation on land as a portion of the scheme of taxation with which a local Government may be allowed to deal independently of the Government of India, or at any rate independently of what is being simultaneously done or left undone in other provinces.

[I have borrowed this idea from Mr. Baker, though I cannot say whether he would approve of this application of it.]

5. I am opposed myself to anything which would tie the Government down too rigidly to declaring to its council the exact sum available in any year for new expenditure, or the exact amount of new expenditure which its provisional budget includes; though I recognise of course that the scheme before me could hardly retain its present shape unless something of the kind is done. The objections which occur to me are:—

(1) We have been doing this kind of thing for some years past in connection with military expenditure. The attempt to mark off new expenditure and to bring it to account has involved endless trouble and all sorts of difficult questions, and the results are not by any means altogether satisfactory. I should be very sorry to see anything like the same complications introduced on the civil side.

- (2) My second objection is that it is not, I think, in fact, the actual practice consciously to gauge the amount of new expenditure which can be incurred by the ascertained excess of the growth of revenue over the growth of ordinary charges. A local Government in a flourishing condition always has larger balances on which to draw, and the sum which it spends from year to year may vary between very large limits indeed. I do not quite know how the scheme intends to deal with this point. It would be possible of course to deal with it in an arbitrary manner; but the fact of balances being available points, I think, to there being no really natural and recognisable limit for new expenditure, such as the scheme rather implies.

6. I have not considered how far it is practicable to carry out the various discussions and alterations and calculations of figures which are contemplated, having regard to the extreme pressure under which all budget work is now transacted, as Mr. Meston will no doubt advise on this point. I do not suppose the difficulties will be insuperable; in fact we must not allow them to be.

7. With reference to clause (1) of the scheme, I should think that some reservation will be required not only as regards expenditure already sanctioned, *i.e.*, recurring expenditure already met in one year or a series of years and requiring to be met again in subsequent years, but also as regards expenditure on measures in progress, *i.e.*, expenditure consequential on decisions already arrived at in a previous year.

8. I am not myself very much in favour of the Lieutenant-Governor keeping any fresh expenditure from the purview of the budget committee, as I should like the proceedings of that body, which will be of a purely advisory nature, to be as unfettered as possible; but that is perhaps a minor point.

2. It is unfortunately much more easy to criticise than to construct; the best I can suggest* is something on the following lines:—

- (a) The budget committee, as proposed by Sir Herbert Risley, should be at liberty to consider, and advise upon, all proposals for new expenditure brought to their notice either by the Finance Secretary on behalf of Government, by one of their other members, or, as Sir Herbert Risley proposes, by any member of the larger legislative body. I would not however (for reasons already given) require the Government to single out and indicate to the committee or to the council every single measure included in the budget which involves new expenditure. Nor would I require the Government to inform the committee or the council of the total sum available for new expenditure. I should expect the Financial Secretary to be broadly acquainted with the extent to which resources were available, and should rely on him to see that the committee's programme of selected and approved measures was limited by due though not exact regard to the total funds available.
- (b) The Government, I think, should then prepare their own budget, and come before the council with a definite programme of expenditure. They would here obtain their first opportunity of meeting the wishes of the council as represented by the budget committee, *i.e.*, they might find it possible on some occasions to defer to a strongly expressed wish on the part of the committee, even though it conflicted with their own ideas as to the relative claims of the different schemes.
- (c) In council itself, I would allow the following classes of amendments to be put:—
 - (i) An amendment moved by the President or the Financial Secretary effecting any change of any kind in the budget (of course provided that it did not contravene account principles, or otherwise extend beyond the local Government's own powers). The Lieutenant-Governor might sometimes consider such an amendment to be desirable when he saw there was a genuine feeling in council in regard to any particular measure, and thought it advisable to defer to it.
 - (ii) An amendment by any other member of council moving the reduction of the provision under one of Sir Herbert Risley's groups of heads by some specific amount representing new expenditure which the Government had intended to incur. The member moving the amendment and those joining in the discussion would then be able to adduce, as their reason for proposing a reduction of expenditure, their preference for other measures which the Government had excluded. But they would not be able to propose provision for those other measures.
 - (iii) It might also be possible to allow any member of council, after previous notice, and with the permission of the President to move an amend-

* Following Sir H. Risley's note as closely as possible.

ment suggesting that provision should be made for expenditure on a measure which the budget committee had recommended to Government, but which the Government had disallowed.

10. This may not seem to go very far. I believe, however, that much more depends on the way in which any scheme of reform is worked in practice than on the particular form in which the concessions are framed. In any case there must be stringent safeguards and Sir Herbert Risley has himself proposed them. But apart from this, I think we are at variance on two fundamental points. In the first place, I view with instinctive dislike what I have described above as the abdication of the directing functions of Government, and, in the second place, I would much prefer to leave as little as possible to the use of an official majority, especially if we are to have greatly enlarged councils. I should like, as regards the first point, to explain clearly that my objections are not primarily based on any special reference to Indian conditions, and still less on the assumption that the enlarged councils will be obstructive and unintelligent. If we had a House of Commons at home in which one party was so enormously preponderant as to feel able to leave the selection of measures of expenditure to a vote of its own members on the lines proposed by Sir Herbert Risley for India without any apprehension lest the solid vote of the opposition should outweigh each individual section of its own party, I should still think it unsound that such a course should be pursued.

25th June 1908.

J. B. BRUNYATE.

**Summary of the Resolutions of the Indian National Congress, 1885—
1906 (the years 1897 and 1900 being excluded as papers are not at
present available).**

1885.

1. *Resolution I.*—Recommends that the promised enquiry into the working of Indian Administration, here and in England, should be entrusted to a Royal Commission, the people of India being adequately represented thereon, and evidence taken both in India and in England.

Repeated—(V of 1886).

2. *Resolution II.*—Considers the abolition of the Council of the Secretary of State for India, as at present constituted, the necessary preliminary to all other reforms.

Repeated—(IV of 1894), [XI (g) of 1896], [XVII (i) (f) of 1898].

3. *Resolution III.*—Considers the reform and expansion of the Supreme and existing local Legislative Councils, by the admission of a considerable proportion of elected members (and the creation of similar Councils for the North-West Province and Oudh, and also for the Punjab) essential; and holds that all Budgets should be referred to these Councils for consideration, their members being moreover empowered to interpellate the executive in regard to all branches of the administration; and that a Standing Committee of the House of Commons should be constituted to receive and consider any formal protests that may be recorded by majorities of such Councils against the exercise by the Executive of the power, which would be vested in it, of overruling the decisions of such majorities.

Repeated—(II of 1887), (I of 1888), (II of 1889), (I of 1890), (II of 1891), (I of 1892), (I of 1893), [IX (b) of 1894], (XI of 1895), (II of 1905), [IX (c) of 1906].

4. *Resolution IV.*—Considers that the competitive examinations now held in England, for first appointments in various civil departments of the public service, should henceforth, in accordance with the views of the India Office Committee of 1860, be held simultaneously one in England and one in India, both being as far as practicable identical in their nature, and those who compete in both countries being finally classified in one list according to merit and that the successful candidates in India should be sent to England for further study, and subjected there to such further examinations as may seem needful. Further, that all other first appointments (excluding peonships, and the like) should be filled by competitive examinations held in India, under conditions calculated to secure such intellectual, moral and physical qualifications as may be decided by Government to be necessary. Lastly, that the maximum age of candidates for entrance into the Covenanted Civil Service be raised to not less than 23 years.

Repeated—(II of 1888), (V of 1889), [III (j) of 1890], (V of 1891), (II of 1892), (V of 1893), [VI (a) of 1894], (VII of 1895), (XV of 1898), [XIV (iii) (c) of 1899], (IX of 1901), [XIII (b) of 1903], [VI (b) of 1905], [IX (a) of 1906].

5. *Resolution V.*—Says that the proposed increase in the military expenditure of the empire is unnecessary, and regard being had to the revenues of the empire and the existing circumstances of the country, excessive.

Repeated—[III (f) of 1889], (III of 1891), (VII of 1892), (XIV of 1894), (III of 1895).

6. *Resolution VI.*—Suggests that, if the increased demands for military expenditure are not to be, as they ought to be, met by retrenchment, they ought to be met, firstly, by the re-imposition of the customs duties; and, secondly, by the extension of the license-tax to those classes of the community, official and non-official, at present exempted from it, care being taken that in the case of all

classes a sufficiently high taxable minimum be maintained. And further that Great Britain should extend an imperial guarantee to the Indian debt.

7. *Resolution VII.*—Deprecates the annexation of Upper Burma and considers that if the Government unfortunately decide on annexation, the entire country of Burma should be separated from the Indian Viceroyalty and constituted a Crown Colony, as distinct in all matters from the Government of this country as is Ceylon.

1886.

8. *Resolution II, 1886.*—Poverty of the people and the consequent necessity of the introduction of representative institutions.

9. *Resolution IV.*—Tentative suggestions for carrying out the reforms in Governor General's Council and in the local Legislative Council.

(1) The number of persons composing the Legislative Councils, both provincial and of the Governor General to be materially increased. Not less than one-half the members of such enlarged Councils to be elected. Not more than one-fourth to be officials having seats *ex-officio* in such Councils, and not more than one-fourth to be members, official or non-official, nominated by Government.

(2) The right to elect members to the Provincial Councils to be conferred only on those classes and members of the community, *primâ facie* capable of exercising it wisely and independently. In Bengal and Bombay the councillors may be elected by the members of Municipalities, District Boards, Chambers of Commerce and the Universities, or an electorate may be constituted of all persons possessing such qualifications, educational and pecuniary, as may be deemed necessary. In Madras the councillors may be elected either by District Boards, Municipalities, Chambers of Commerce and the University, or by electoral colleges composed of members partly elected by these bodies and partly nominated by Government. In the North-West Provinces and Oudh and in the Punjab, councillors may be elected by an electoral college composed of members elected by Municipal and District Boards and nominated, to an extent not exceeding one-sixth of the total number, by Government, it being understood that the same elective system now in force where Municipal Boards are concerned will be applied to District Boards, and the right of electing members to these latter extended to the cultivating class. But whatever system be adopted (and the details must be worked out separately for each province) care must be taken that all sections of the community, and all great interests, are adequately represented.

(3) The elected Members of the Council of the Governor General for making laws, to be elected by the elected Members of the several Provincial Councils.

(4) No elected or nominated Member of any Council to receive any salary or remuneration in virtue of such membership, but any such Member, already in receipt of any Government salary or allowance, to continue to draw the same unchanged during membership, and all members to be entitled to be reimbursed any expenses incurred in travelling in connexion with their membership.

(5) All persons, resident in India, to be eligible for seats in Council, whether as electees or nominees, without distinction of race, creed, caste or colour.

(6) All legislative measures and all financial questions, including all budgets whether these involve new or enhanced taxation or not, to be necessarily submitted to and dealt with by these Councils. In the case of all other branches of the administration, any member to be at liberty, after due notice, to put any question he sees fit to the *ex-officio* Members (or such one of these as may be specially charged with the supervision of the particular branch concerned) and to be entitled (except as hereinafter provided) to receive a reply to his question, together with copies of any papers requisite for the thorough comprehension of the subject, and on this reply the Council to be at liberty to consider and discuss the question and record thereon such resolution as may appear fitting to the majority. Provided that, if the subject in regard to which the enquiry is made

involves matters of Foreign policy, military dispositions or strategy, or is otherwise of such a nature that, in the opinion of the executive, the public interests would be materially imperilled by the communication of the information asked for, it shall be competent for them to instruct the *ex-officio* members, or one of them, to reply accordingly, and decline to furnish the information asked for.

(7) The Executive Government shall possess the power of overruling the decision arrived at by the majority of the Council, in every case in which, in its opinion, the public interests would suffer by the acceptance of such decision, but whenever this power is exercised, a full exposition of the grounds on which this has been considered necessary, shall be published within one month, and in the case of local Governments they shall report the circumstances and explain their action to the Government of India, and in the case of this latter, it shall report and explain to the Secretary of State; and in any such case on a representation made through the Government of India and the Secretary of State by the overruled majority, it shall be competent to the Standing Committee of the House of Commons (recommended in the 3rd resolution of the last year's Congress which this present Congress has affirmed) to consider the matter, and to call for any and *all* papers or information, and hear any persons on behalf of such majority or otherwise, and thereafter, if needful, report thereon to the full House.

10. *Resolution VI Public Service* (1). The *open competitive examination be held simultaneously both in India and in England.

(2) That the simultaneous examinations thus held be equally open to all classes of Her Majesty's subjects.

(3) That the classified list be prepared according to merit.

(4) That the Congress express the hope that the Civil Service Commissioners will give fair consideration to Sanskrit and Arabic among the subjects of examination.

(5) That the age of candidates eligible for admission to the open competitive examination be not less than 19, or as recommended by Sir C. Aitchison, more than 23 years.

(6) That simultaneous examinations being granted, the Statutory Civil Service be closed for first appointments.

(7) That the appointments in the Statutory Civil Service, under the existing rules, be still left open to the members of the Uncovenanted Service and to professional men of proved merit and ability.

(8) That all appointments requiring educational qualifications, other than covenanted first appointments, be filled by competitive examinations held in different provinces, and open in each province to such natural-born subjects of Her Majesty only as are residents thereof.

Repeated—(II of 1888), (II of 1892), [VI (b)-(d) of 1894], (V of 1896), (IX of 1901), [III (4) of 1902], (XIV of 1902), (II of 1903), (I of 1904), [IV (c) of 1904], [VI (a) of 1905]. (See also Resolution IV of 1885.)

11. *Resolution VIII, 1886*.—Extension of the system of trial by jury where it is not at present in force.

Repeated—(IV of 1888), [III (b) of 1889] [II (b) of 1890], [VII (b) of 1891], (VI of 1892), (XI of 1894), (V of 1895), (VII of 1896) [XVII, (iii) (d) of 1898], [XIV (iii) (a) of 1899] [XIX (iii) (b) of 1901], [XIX (h) of 1902] [XIII (h) of 1903.]

12. *Resolution IX, 1886*.—The innovation made in the system of trial by jury depriving the verdicts of juries of all finality, has proved injurious to the country and the powers then, for the first time, vested in Sessions Judges and High Courts of setting aside verdicts of acquittal should be at once withdrawn.

* This resolution relates to the Civil Service examination, whereas Resolution IV of 1885 is concerned with all the examinations for the recruitment of officers in various other departments.

Repeated—(IV of 1888), [III (c) of 1889], [II (c) of 1890], [VII (c) of 1891], [V of 1895], [XVII (iii) (d) of 1898], [XIV (iii) (a) of 1899], [XIX (iii) (b) of 1901], [XIX (h) of 1902], [XIII (h) of 1903].

13. *Resolution X, 1886*.—Proposed introduction of a provision, similar to that contained in the Summary Jurisdiction Act of England, enabling accused persons, in warrant cases, to demand that, instead of being tried by the magistrate, they be committed to the Court of Sessions.

Repeated—(IV of 1888), [III (d) of 1889], [II (d) of 1890], [VII (d) of 1891], [V (d) of 1892], [III (d) of 1893], [XVI (d) of 1894], [XXII (c) of 1895], [XI (b) of 1896].

14. *Resolution XI, 1886*.—Proposed separation of executive and judicial functions.

Repeated—(Resolution III, 1887), (III of 1888), [III (a) of 1889], [II (a) of 1890], [VII (a) of 1891], (III of 1892), (VI of 1893), (XII of 1894), (IV of 1895), (III of 1896), (X of 1898), (I of 1899), (IV of 1901), (XI of 1902), [XIII (k) of 1903], (XIII of 1904), [X (a) of 1905], (IV of 1906).

15. *Resolution XII, 1886*.—Introduction of a system of volunteering for the Indian inhabitants of the country.

Repeated—(Resolution V of 1887), (VI of 1888), [IV (d) of 1891], [V (h and i) of 1892], [III (h and i) of 1893], [XVI (h and i) of 1894], [XXII (g and h) of 1895], [XI (c) of 1896], [XVII (i) (d) of 1898], [XIV (i) (c) of 1899], [XIX (i) (c) of 1901], [XIX (d) of 1902], [XIII (d) of 1903].

1887.

16. *Resolution IV, 1887*.—That the military service in the higher grades should be opened to the natives of the country, and that military colleges should be established in India.

Repeated—(VI of 1888), [III (f) of 1889], [II (f) of 1890], [IV (b) of 1891], [V (g) of 1892], [III (g) of 1893], [XVI (g) of 1894], [XXII (f) of 1895], [XI (d) of 1896], [XVII (i) (c) of 1898], (XI of 1901), (XVIII of 1902).

17. *Resolution VI, 1887*.—That the taxable minimum of income-tax should be raised to Rs. 1,000. The loss involved being made good either by reductions in the public expenditure or by the re-imposition of any import duty on the finer classes of cotton goods.

Repeated.—(VIII of 1888), [III (g) of 1889], [II (g) of 1890], [VI (b) of 1891], [V (b) of 1892], [III (b) of 1893], [XVI (b) of 1894], [XXII (a) of 1895], [XIII (3) of 1896], [XVII (iii) (g) of 1898], [XIV (iii) (d) of 1899], [XIX (i) (a) of 1901].

18. *Resolution VII 1887*.—That the Government be moved to elaborate a system of Technical Education suitable to the conditions of this country.

Repeated—(IX of 1888), (X of 1888), [XIII (4) of 1896], (XVI of 1898), (XIII of 1899), [XIX (iii) (a) of 1901], [III (1) and (2) of 1902], [II (d) of 1904], [XIV (c) of 1905], [X (iv) of 1906].

19. *Resolution VIII, 1887*.—That the provisions of the Arms Act should be so modified as would enable all persons to possess and wear arms unless specially debarred from so doing.

Repeated—(VI of 1888), (VI of 1889), [II (h) of 1890], [IV (a) of 1891], [V (f) of 1892], [III (f) of 1893], [XVI (f) of 1894], [XXII (e) of 1895], [XI (e) of 1896], [XVII (i) (b) of 1898], [XIV (i) (a) of 1899], [XIX (i) (b) of 1901], [XIX (e) of 1902], [XIII (c) of 1903].

1888.

Resolution I (part) 1888.—That a Legislative Council be established in the Punjab.

Repeated.—(III of 1885), (XII of 1892), (II of 1893), [IX (a) of 1894], [XI (h) of 1896].

Extension of the right of interpellation to the Councillors of the Punjab Legislative Council, and the right of recommending councillors for nomination as are enjoyed by the councillors and people in the other provinces to the people of the Punjab. (XVIII of 1898).

*Repeated.**—(XVII of 1899).

Extension and reform of the Punjab Legislative Council [XVII (2) of 1905].

21. *Resolution V, 1888*.—That a commission should be appointed to investigate the entire question of police administration in India and that the police service should be improved.

Repeated—[III (e) of 1889], [II (e) of 1890], [VII (e) of 1891], [V (e) of 1892], [III (e) of 1893], [XVI (e) of 1894]. Suggestion of the lines on which the Police Department should be re-organised—(VII of 1901), (X of 1902).

Dwells on the inadequacy of the representation on the Police Commission of Indian gentlemen of experience and on the limited scope of reference to the Commission—(X of 1902).

22. *Resolution VII, 1888*.—That the present systems of Abkari and Excise should be so improved as would tend to discourage insobriety.

Repeated—(IV of 1889), (IV of 1890), [VI (c) of 1891], [V (c) of 1892], [III (c) of 1893], [XVI (c) of 1894], [XXII (b) of 1895], [XI (a) of 1896], [XVII (i) (a) of 1896], [III (i) of 1901], [III (b) of 1905].

23. *Resolution IX, 1888*.—That general as well as technical education should be encouraged, and that the expenditure on education should not be curtailed.

Repeated—[III (b) of 1889], [II (b) of 1890], (VIII of 1891), (VIII of 1892), (XII of 1893), (XV of 1894), (XX of 1895), (II of 1905) [XIV (b) of 1905]. Requests adequate representation to Indian interests by appointing sufficient number of Indian gentlemen to the Indian Universities Commission (XII of 1901), [X (i) and (ii) of 1906].

24. *Resolution X, 1888*.—That a Commission should be appointed to enquire into the present industrial condition of the country.

Repeated (VII of 1891).

25. *Resolution XI*.—That the Congress appreciates the efforts that are being made in England for the total abrogation of laws and rules relating to the regulation of prostitution by the State in India.

Repeated—(XIV of 1892), (VII of 1893), [XVI (k) of 1894].

26. *Resolution XIV*.—That the question of the introduction of a permanent settlement of the Land Revenue demand into the Madras and Bombay Presidencies and other provinces should be referred to the several standing Congress Committees.

Extension of the Permanent settlement to all fully populated and well cultivated tracts of the country. (Resn VII of 1889), (VI of 1890), (III of 1891), (IX of 1892), (XI of 1893), [II (b) of 1894], (XIV of 1895), [XIII (i) of 1896] (VI of 1898), [III (i) of 1901], [III (3) of 1902], [II (j) of 1903], [III (b) of 1904].

27. *Resolution XIV 1888*.—Disapproval of the recent enhancement of the Salt Tax.

Repeated—[III (i) of 1889], (V of 1890), [VI (a) of 1891], [V (a) of 1892], (III of 1893), [XVI (a) of 1894], (XIX of 1895), (VIII of 1896), [XVII (ii) (b) of 1898], [XIV (ii) (b) of 1899], [XIX (ii) (b) of 1901], (XIII of 1902), (VIII of 1903), [VIII (b) of 1904].

1889.

28. *Resolution VIII, 1889*.—That in view of the fall that has already occurred in the price of silver and in the exchange value of the Indian rupee, it is

* NOTE.—Represents the number and year in which the Resolution reappears.

impolitic on the part of the British Government to maintain any hindrance whatever to the consumption of silver for manufacturing purposes, and that the plate duties should be immediately abolished, and Hall-marking be made a voluntary institution.

Repeated (though in another form)—(IV of 1892).

29. *Resolution IX, 1889*.—That the House of Commons should forthwith restore the right formerly possessed by members of that Honourable House, of stating to Parliament any matter of grievance of the Natives of India before Mr. Speaker leaves the chair, for the presentation in Committee of the Indian Budget statement and should take into consideration the Annual Indian Budget statement at such a date as will insure its full and adequate discussion.

Repeated.—(III* of 1890).

1890.

30. *Resolution VII, 1890*.—Disapproval of the prohibition of Government servants from attending any meetings of the congress, even as spectators.

1891.

31. *Resolution III, 1891*—Establishment of agricultural banks. Steps for the removal of poverty of the people.

Repeated.—(IX of 1892), (VIII of 1893), (III of 1894), (X of 1895), (XXII of 1895), [XIII (2) of 1896], (XIII of 1898), [III (3) of 1901], [III (5) of 1902].

32. *Resolution XI, 1891*.—That having regard to the very serious discontent created, especially in Peninsular India, by the practical administration of the Forest Laws, the Government of India be most respectfully, but earnestly, entreated to investigate this carefully, and endeavour to mitigate its harshness and render it less obnoxious to the poorer classes.

Repeated—(X of 1892), (IX of 1893), (XVIII of 1894), (XVIII of 1895), [XVII (iii), (f) of 1899], [XIX (iii) (d) of 1901], [XIX (i) of 1902], [XIII (f) of 1903].

1892.

Resolution IV.—That having regard to the diversity of opinion that prevails on the Currency question, and the importance of the question itself, expresses its earnest hope, that unless its hands are forced by the action of any Foreign power, necessitating a change in the Currency, or the standard, which might prove injurious to the country, the Government of India will refrain from taking any steps, until the labours of the Brussels Conference have been completed.

1893.

33. *Resolution IV, 1893*—That the time has arrived when, in the interest of public medical education and the advancement of Medical Science and of scientific work in this country, the Civil Medical Service of India should be reconstituted on the basis of such services in other civilised countries.

Repeated.—(VIII of 1894), (XII of 1895), (X of 1896), (XI of 1898). Urges the necessity of separating the Military and Civil Medical Services—(V of 1899), (XIV of 1901), (XVII of 1902).

34. *Resolution X, 1893*.—Reactionary attacks on permanent settlements and their holders in Bengal and Behar disapproved.

Repeated.—[II (a) of 1894].

35. *Resolution XIII, 1893*.—Disapproves of the doctrine enunciated by the Secretary of State empowering the Executive Government to criticise judicial errors.

36. *Resolution XIV, 1893*.—Protests against the legislation of the Government of India closing Indian Mints against the private coinage of silver.

37. *Resolution XV, 1893*.—Protests against the exchange compensation allowance granted to the undomiciled European and Eurasian employés of Government.

* Note.—Represents the number and year in which the Resolution reappears.

Repeated.—(XVI (j) of 1894), (XVI of 1895), [XI (j) of 1896], [XVII (i), (e) of 1898] [XIV (i), (d) of 1899], [XIX (i), (d) of 1901], [XIX (b) of 1902], [XIII (b) of 1903].

38. *Resolution XVI, 1893.*—Proposes legislation to put a stop to the existing oppressive system of forced labour and forced contributions of supplies.

39. *Resolution XVII, 1893*—Reduction of India's Home charges.

Repeated.—(VIII of 1895), (III of 1899, (X of 1901).

40. *Resolution XVIII, 1893.*—Establishment of a Chartered High Court in the Punjab.

Repeated—(XIII of 1894), [XI (h) of 1896], [XVII (i), (g) of 1898] [XIV (i), (e) of 1899], [XIX (i), (e) of 1901], [XIX (e) of 1902], [XIII (c) of 1903], [XVII (3) of 1905].

1894.

41. *Resolution I, 1894.*—Protests against the injustice and impolicy of imposing excise duty on cottons manufactured in British India.

Repeated.—(XVI* of 1902)

42. *Resolution V, 1894*—That the scope of the Select Committee of Members of Parliament to enquire into the financial expenditure of India should be extended so as to include an enquiry into the ability of the Indian people to bear their existing financial burdens and into the financial relations between India and the United Kingdom.

Repeated.—(II of 1895), (XVI of 1899).

43. *Resolution XVII, 1894.*—Protests against the powers proposed to be conferred on District Magistrates, by amendments and additions to section 15 of Police Act V of 1861, with respect to the levy of costs of punitive police and to granting compensation.

44. *Resolution XIX, 1894*—Protests against the Government of India Notification of 25th June 1891 in the Foreign Department, gagging the Press in territories under British Administration in Native States.

Repeated—(VI of 1895), [XI (i) of 1896], (XXIII of 1898), (XV of 1899) [XVII (6) of 1905].

45. *Resolution XX, 1894.*—Protests against the imposition of water cess.

Repeated—[XXII (i) of 1895].

46. *Resolution XXI, 1894*—That the Bill of the Colonial Government disenfranchising Her Majesty's Indian subjects, resident in the South African Colonies should be vetoed.

Repeated.—(IX of 1895), (IX of 1896), (XII of 1898), (VI of 1901), (V of 1902), (IV of 1903), [V (b) of 1904]

1895.

47. *Resolution XIII, 1895.*—Protests against the provisions of the Bill to amend the Legal Practitioners Act, which propose to invest District Judges and Revenue Commissioners with the power of dismissing legal practitioners.

48. *Resolution XV, 1895.*—Protests against the system of nomination followed in selecting a gentleman from the Central Provinces for the Supreme Legislative Council.

Repeated.—(XIX of 1896), [XVII (ii), (c) of 1898], [XIV (ii), (c) of 1899], [XVII (5) of 1905].

49. *Resolution XXI, 1895.*—Opines that the objection taken by the Lancashire manufacturers to the exemption of Indian yarns below 20's from excise duty is not well-founded.

1896.

50. *Resolution IV, 1896.*—Considers that the allotments made to the Provincial Governments on what is called the provincial adjustments are inadequate

and that the time has arrived when a further step should be taken in the matter of financial decentralization, by leaving the responsibility of the financial administration of the different provinces principally to local Governments.

51. *Resolution VI of 1896*.—Suggests that the scheme for reorganizing the Educational Service which has just received the sanction of the Secretary of State should be so recast as to afford facilities for the admission of Indian graduates to the superior grades of the Educational Service.

Repeated—[XVII (ii) (a) of 1898], [XIV (ii) (a) of 1899], [XIX (ii) (a) of 1901], [XIII (f) of 1903].

52. *Resolution XII of 1896*—Suggests the adoption of a policy, which would enforce economy, husband the resources of the State, foster the development of indigenous and local arts and industries, and would thus avert the recurrence of famine. Appeals to the Government to redeem its pledges by restoring the Famine Insurance Fund to its original footing.

Repeated—(VIII* of 1901).

53. *Resolution XIV, 1896*—Proposes that the Acts of incorporation of the Universities of Calcutta, Madras and Bombay should be amended so as to provide for the introduction of teaching functions and for a wider scope of learning, and so as to suit generally the requirements of the present day.

Repeated.—[XVII (iii) (a) of 1898].

54. *Resolution XV, 1896*.—Suggests that the Inland Emigration Act I of 1882 as amended by Act VII of 1893 should be repealed.

Repeated.—[XVII (iii) (b) of 1898], [XIV (ii) (d) of 1899], (XIII of 1901) [XIX (f) of 1902].

55. *Resolution XVI, 1896*.—Considers it desirable that the Executive Governments of Madras and Bombay should be administered by the Governors with Councils of three members and not of two members as at present, and that one of the three Councillors must be other than a member of the Indian Civil Service.

Repeated.—(XIII of 1898), (XII of 1899).

56. *Resolution XVII, 1896*.—Protests against the policy of Government in provinces where the settlement of Land Revenue is periodical, to reduce the duration of the settlement to shorter periods than had been the case till now, and prays that the settlement should be guaranteed for long periods, at least for sixty years.

Repeated.—(VI of 1898.)

57. *Resolution XVIII, 1896*.—Considers it desirable that in future no Indian Prince or Chief shall be deposed on the ground of mal-administration or misconduct until the fact of such mal-administration or misconduct shall have been established to the satisfaction of a public tribunal which shall command the confidence alike of Government and of the Indian Princes and Chiefs.

Repeated.—[XVII (iii) (c) of 1898].

1898.

58. *Resolution V, 1898*—Protests against the amendments proposed in the Indian Penal Code, and the Criminal Procedure Code, which are calculated to unduly enlarge the powers of the police and of the Magistracy, to fetter the freedom of the Press and to restrict the liberty of speech.

59. *Resolution VII, 1898*.—Considers that the Frontier policy pursued for some years past by the Government of India is injurious to its best interests, inasmuch as it involves this country in frequent military expeditions beyond its natural limits and the practical starvation of the Civil Administration and suggests a radical reversion of that policy.

60. *Resolution VIII, 1898*.—Objects to the establishment of Secret Press Committees in certain parts of India.

61. *Resolution IX, 1898*.—Disapproves of the re-actionary policy with regard to local self-government recently inaugurated by the introduction of the Calcutta Municipal Bill and the creation of the Bombay City Improvement Trust without popular representation.

* NOTE.—Rep esents the number and year in which the Resolution reappears.

Repeated.—(VII* of 1899).

62. *Resolution XIV, 1898.*—Urges upon the Government the necessity of repealing Bengal Regulation III of 1818, Madras Regulation II of 1819, and Bombay Regulation XXV of 1827, inasmuch as the principle and provisions thereof are contrary to the traditions and sense of justice of the Government of Her Most Gracious Majesty.

63. *Resolution XVII (iii) (e), 1898.*—Considers that it is desirable in the interests of the people of this country that the Criminal Procedure Code should be so amended as to confer upon accused persons, who are natives of India, the right of claiming, in trials by jury before the High Court and in trials with the aid of assessors, that not less than half the number of the jury or of the assessors shall be natives of India.

Repeated.—[XIV (iii) (b) of 1899], [XIX (iii) (c) of 1901⁷, [XIX (i) of 1902], [XIII (i) of 1903].

64. *Resolution XIX, 1898.*—Suggests that so long as Berar is administered by the Governor General in Council, all laws and orders, having the force of law intended for Berar, should be enacted by the Supreme Legislative Council in the same way as those for British India proper.

Repeated.—(IV of 1898), (XVIII of 1899), [XVII (4) of 1905].

65. *Resolution XX, 1898.*—Considers that having regard to the fact that the principal cause of the loss by exchange is the steady growth in the demands on India for expenditure in England, any artificial device for meeting that loss either by changing the currency at a heavy cost or contracting the internal currency must add to the pressure on India's monetary resources and to her trading disadvantage. Suggestions for the removal of the difficulty.

Repeated.—(XVII of 1901), (VI of 1902).

66. *Resolution XXII, 1898.*—Suggests that the adoption of measures against the plague being a matter of Imperial concern and recognised as such, the expenditure incurred in connexion thereof should be borne by the Government and not charged to the funds of the Local bodies.

Repeated.—(XIX of 1899).

1899.

67. *Resolution II, 1899.*—Regrets the introduction into the Supreme Legislative Council of a Bill to amend the law relating to agricultural land in the Punjab with a view to restrict the alienation of land as proposed in the Bill by sale or mortgage which is calculated (1) to decrease the credit of the agriculturists and landholders, (2) to make them more resourceless on account of their inability to meet the ever increasing state demands upon their land. Offers suggestions for affording real relief.

68. *Resolution VI, 1899.*—Considers that the principle embodied in the Foreign Telegraphic Press Messages Bill now pending before the Supreme Legislative Council is opposed to the policy followed by the British Government in India.

69. *Resolution VIII, 1899.*—Considers that the rules prohibiting managers and teachers of aided institutions from taking part in political movements or attending political meetings without the consent of the Director of Public Instruction and other authorities, are likely to interfere with the practical and effectual exercise of the rights of British subjects.

70. *Resolution IX, 1899.*—Suggests that stringent measures should be taken by the Government in granting licenses to retail liquor shops, and that no such shops should be established anywhere in India without taking the sense of the inhabitants of the place.

1901.

71. *Resolution III (3), 1901.*—Suggests that steps should be taken to improve the agriculture of the country.

72. *Resolution V, 1901.*—Considers that the Judicial Committee of the Privy Council should be strengthened so far as appeals from India are concerned and

* NOTE.—Represents the number and year in which the Resolution reappears.

suggests that Indian lawyers of eminence should be appointed as Lords of the Judicial Committee to participate in the determination of appeals from India.

Repeated.—[XIX* (a) of 1902], [XIII (a) of 1903].

73. *Resolution XIII, 1901.*—Regrets that immediate effect has not been given to the proposal made by the Government itself to enhance coolies' wages in Assam.

74. *Resolution XV (a), 1901.*—Opines that the Government should be pleased to bestow its first and undivided attention upon the Department of Agriculture and should adopt all those measures for its improvement and development which have made America, Russia, Holland, Belgium and several other countries so successful in that direction.

Resolution XV (b), 1901.—Suggests that early effect should be given to Dr. Voelcker's report on the condition of Indian agriculture.

Resolution XV (c), 1901.—Recommends the establishment of a large number of experimental farms all over the country as well as of scholarships to enable Indian students to proceed to foreign countries for the purpose of learning the methods of improving and developing agricultural resources.

75. *Resolution XVIII, 1901.*—Suggests that a Government College of Mining Engineering should be established in some suitable place in India after the model of the Royal School of Mines of England and the Mining Colleges of Japan and the Continent.

1902.

76. *Resolution IV, 1902.*—Prays that the Secretary of State for India would be pleased to reconsider his decision regarding famine, and urges that the Government of India should be pleased to publish the results of official inquiries which have been held in the past on this subject, notably the inquiry instituted during the time of Lord Dufferin.

77. *Resolution VII, 1902.*—Protests against the fresh permanent burden of £786,000 per annum, which, the increase made during the course of the year in the pay of the British soldier, would impose on the revenues of India, and views with alarm the recent announcement of the Secretary of State for India hinting at a possible increase in the near future of the strength of the British troops in the country.

Repeated.—(VII of 1903), (XII of 1904), (VIII of 1905), (III of 1906).

78. *Resolution VIII, 1902.*—Objects to certain proposals of the Indian Universities Commission.

Objections to certain provision in the Indian Universities Bill.

(V. of 1903), [XIV (a) of 1905], [X (iii) of 1906].

79. *Resolution IX.*—Considers that Tata's Institute of Research should receive adequate support from Government, and that similar institutions should be founded in different parts of the country.

Repeated.—[XIV (a) of 1905].

80. *Resolution XII.*—Opines that the present system, under which a very large proportion of the District Judgeships, Joint Judgeships and Assistant Judgeships, are filled by Covenanted Civilians without any special legal training is injurious to the best interests of efficient judicial administration, and that some means should be devised to insure a higher standard of efficiency in the administration of law by securing the services of trained lawyers for the said posts.

Repeated.—[I (b) of 1904], [X (b) of 1905].

81. *Resolution XV, 1902.*—That in view of the fact that the railway administration forms an important branch of the Public Works Department, notices with regret that the natives of India are practically excluded from higher appointments, and appointments of Rs. 200 and above are, as a rule, bestowed only on Europeans.

* NOTE.—Represents the number and year in which the Resolution reappears.

Repeated.—[II* (b) of 1903].

82. *Resolution XIX (b), 1902.*—Considers that the act of the Secretary of State of India in fixing the limit at two posts beyond which natives of India cannot compete in Cooper's Hill College is opposed to the plain words of Act I of 1833 and to Her late Majesty's Gracious Proclamation.

Repeated.—[XIII (g) of 1903].

1903.

83. *Resolution VI, 1903.*—Objects to the Official Secrets Bill.

84. *Resolution IX, 1903.*—Deprecates the separation from Bengal of the Dacca and Mymensingh districts and the Chittagong Division and portions of Chota Nagpur Divisions and also the separation of the district of Ganjam and the agency tracts of the Ganjam and Vizagapatam districts from the Madras Presidency.

Repeated.—(XIV of 1904), (XII of 1905), (VI of 1906).

85. *Resolution X, 1903*—Opines that the policy of the Madras Municipal Bill is not in consonance with the principles of local Self-Government in India laid down in the time of Lord Ripon.

86. *Resolution XIII (m), 1903*—Suggests that the enquiry into the economic condition of the Indian Ryot as urged by the members of the Famine Union in England in their appeal to the Secretary of State for India should be instituted.

Repeated.—(IV of 1904), [XV (a) of 1905].

1904.

87. *Resolution I (c), 1904.*—Deplores the abolition of the competitive test for the Provincial Service in most provinces of India.

Repeated.—[VI (c) of 1905].

88. *Resolution V (a), 1904.*—Regrets that Indian settlers should continue to be subjected to harassing restrictions and denied the ordinary rights of British Citizenship in His Majesty's Colonies.

Repeated.—[IX of 1905], [II of 1906].

89. *Resolution VII, 1904.*—Protests against the injustice of charging the cost of the India Office in London to the revenues of this country, when the colonies are exempted from any share of the cost of the Colonial Office, and places on record its opinion that the whole of the salary of the Secretary of State for India should be borne on the English estimates.

Repeated.—[V of 1905].

90. *Resolution VIII (c), 1904.*—Urges that part of the surpluses be devoted to purposes which would directly benefit the people.

Repeated.—(VII of 1905).

91. *Resolution IX, 1904.*—Considers that the time has arrived when the people of this country should be allowed a larger voice in the administration and control of affairs of their country.

Repeated.—(IV of 1905), [IX (b) of 1906].

92. *Resolution X, 1904.*—Expresses regret in the case of the recent Tibetan expedition which has frustrated the object of the Act of 1858 in providing that India's revenue shall not be spent outside the statutory limits of India, and at the refusal of the House of Commons to contribute from the Imperial Exchequer even a portion of the cost of that expedition.

93. *Resolution XI, 1904.*—Urges the publication of the report of the Police Commission.

1905.

94. *Resolution III (a), 1905.*—Regrets that the composition of the Excise Committee is exclusively official and that therefore it cannot inspire full public confidence.

95. *Resolution III (c), 1905.*—Urges on the Government of India the desirability of speedily carrying out the principal proposals contained in Sir Frederick Lely's memorandum on excise administration (1904).

96. *Resolution III (d), 1905.*—Protests against the virtual shelving by the Government of India in its executive capacity of the Bengal Excise Bill, which has been welcomed as a sound and progressive piece of temperance legislation.

97. *Resolution XI, 1905.*—While noting with satisfaction some useful reforms recommended by the Police Commission, regrets that adequate measures have not been adopted to materially improve the efficiency and honesty of the police service and submits certain specific suggestions.

98. *Resolution XIII, 1905.*—Protests against the repressive measures which have been adopted by the authorities in Bengal after the people there had been compelled to resort to the boycott of foreign goods as a last protest against the partition of Bengal. Opines that the boycott movement inaugurated in Bengal by way of protest against the partition of that province was and is legitimate—(VII of 1906).

99. *Resolution XV (6), 1905.*—Suggests that a reasonable and definite limitation of the State demand, and not the restriction of tenant's rights, such as has found favour in recent years, is the true remedy for the growing impoverishment of the agricultural population.

[*Repeated*—(XII of 1906).*

100. *Resolution XVI, 1905.*—Holds that having regard to the fact that there is 10 days' international quarantine already in existence at Camaran, the quarantine of 5 days imposed at the port of Bombay upon the Musalman pilgrims before embarking for Jedda is unnecessary.

101. *Resolution XVII (1), 1905.*—Suggests the constitution of the Punjab into a Regulation Province.

1906.

102. *Resolution V, 1906.*—In view of the general opinion amongst Muhammadans that the recent decisions of the Privy Council against the validity of the *Wakf-i-ala-aulad* are against the Muhammadan Law. Opines that a Commission should be appointed to enquire whether the Privy Council has not erred in its decisions.

103. *Resolution VIII, 1906.*—Supports the Swadeshi Movement and calls upon the people of the country to labour for its success.

104. *Resolution IX (d).*—Suggests that the powers of local and municipal bodies should be extended and official control over them should not be more than what is exercised by the local Government Board in England over similar bodies.

* NOTE —Represents the number and year in which the Resolution reappears.

Budget Procedure in the Reformed Councils.

1. Sir Herbert Risley's note of the 18th ultimo describes the previous discussions on this subject, and the Secretary of State's orders on the Government of India's former proposals. We are debarred from enlisting the assistance of non-official members in dealing with the Imperial surplus. Free discussion of the budget by heads or groups, however, is accepted, and the Secretary of State would not object to alterations being made in the budget in consequence of such discussion, provided the Government considers that the changes can be made with safety. But Lord Morley dissents from the view, put forward by Sir Edward Baker, that a Council should be given power to amend a budget on its expenditure side by a vote which should be binding on Government. Upon this point the main argument that seems to have weighed with the Secretary of State is the undesirability of constant resort to the official majority, and his rejection of the power to move resolutions and divide the Council upon them, subject to the ultimate control of Government through its standing majority, was not so convinced in its tone as his other orders.

With this lead, and in view of all the criticisms which our circular has elicited, I think that our best course is to revive the suggestion that resolutions and divisions be permitted under suitable restrictions, but to withdraw the proposal that the results should be binding on Government. This is, as I understand, in effect the view of the Hon'ble Sir Harvey Adamson. But, in addition to this, I think we should welcome (at least so far as Provincial Councils are concerned) the idea underlying Sir Herbert Risley's scheme of giving non-official members of our Councils a voice in the selection of projects of expenditure. The idea implies a real concession of appreciable value; whereas the mere power to move resolutions and divide the Council, while Government reserves entire discretion to accept or to reject the result, will be hailed with something less than complete satisfaction.

In accepting the Home Department's invitation to note upon the budget procedure generally, I will first touch very briefly upon the theory of budget initiative, and then sketch the outline of a scheme which I trust will help the Committee to some conclusions.

2. In dealing with the national finances, the British House of Commons is restrained from encroaching on the privileges of the Executive Government by two definite rules:

first, that Government has the exclusive right to propose new or increased taxation; and

second, that no proposal may be made "for a grant or charge upon the public revenue.....unless recommended from the Crown."

From these it follows that the budget initiative, as regards both revenue and expenditure, lies with the Government. It is Government which proposes the ways and means; and it is Government which puts before Parliament a complete project of expenditure, a project with which the House, for all practical purposes, never attempts to interfere unless it means to drive the Government out of office. It may be convenient to emphasize this position for the benefit of those who demand greater liberty for the private members of our legislative bodies in India.

3. But it is not of course difficult to find precedents in other countries for a much greater measure of interference with the executive privilege. In France, the power of private members is practically unlimited. The budget, when it is presented to Parliament, is immediately handed over to a "budget commission," composed of deputies selected by a complicated system of ballot. These gentlemen discuss the budget in minute detail and present a series of reports on different sections in it. These are summarised in a final report by the reporter-

general, who presents the chamber for their discussion and acceptance, with a "projet de loi de finances," which is virtually a new budget. So greatly may this differ from the original proposals of Government that, as René Stourm says, if the Finance Minister wishes to restore any part of his own budget, he has to move it in the form of an amendment to the reporter-general's scheme. The whole tendency of the "budget commission" is to increase expenditure* and to meddle with the work of the departments. In Italy and Belgium, the interference of Parliament is as active as it is in France; and in the United States the estimates prepared by the treasury are passed through a series of committees, which elaborate them and present them to Congress.

4. Turning to Indian conditions, there is no doubt that we must accept two postulates. The first is that the control of ways and means must rest with the Government; no proposal to increase, reduce or withdraw taxation can be forced upon it. The second is that the Government cannot be refused supplies; no proposal to cancel a budget provision for expenditure can be forced upon it. Unless we make these assumptions, we must conceive it as possible that the Government may go out of power, and that an opposition may come in and work a rival budget. But if to these two postulates we add the British parliamentary rule that no proposal for an increase of expenditure can emanate except from the Government, then the problem of conceding any measure of popular control over our budget becomes insoluble, and our budget debates must remain as jejune and unreal as they are at present. It is clear that we could not maintain any such view at this stage in our reforms; and we must therefore endeavour to find some means of giving the Councils a greater interest and a more influential voice in the details of the budget, even though our scheme may not be entirely in accord with the canons of British parliamentary procedure.

5. In the following sketch, which is supplemented by an appendix giving more technical detail for provincial budgets, an attempt is made to indicate a treatment of the budget which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. I have assumed that the financial year will continue the same as it now is, and that the Imperial budget will be finally passed before the Government of India moves to Simla. These are matters of very great departmental importance, as no one outside the department can form any idea of how delicately our budget work has to be adapted to the time at our disposal. If it is desired to give longer time for the discussion of the budgets, or to pass the budgets at an earlier part of the winter session, I am afraid it will be necessary to raise the question of making the financial year run from January to December. For the present it would be well to leave matters as they are, and not to bring forward this difficulty unless it is forced upon us. Apart from this assumption, I have taken it for granted that the appeal of the Bombay Government for authority to settle its own budget, without review or sanction by the supreme Government, will not be accepted. I should very strongly dissent from any such change in our practice, for reasons which have been placed *in extenso* before the Royal Commission on Decentralization. We must continue to exercise the final control over the revenues and expenditure in India, though under the revised procedure I can foresee (I confess without regret) that our control will be less technically efficient, because less minute, than it is at present.

PROVINCIAL BUDGETS*

6. In preparing its provincial budget, a local Government has no anxieties about ways and means in the wider sense of that term. Its surplus or deficit is absorbed in the general balances of India. It is not affected by remissions of taxation, for the effects of which the Imperial exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue, without drawing unduly upon the provincial balance. To

* M. Waddington asked the Senate in 1893 to reserve the initiative in public expenditure to Government, but his proposal was rejected (Bodley, Volume II, p. 216). Since then, however, the notorious abuse of the present system has led to certain checks upon it, which were imposed in 1900, though their effect is still very restricted.

my mind, it is in this task that the Provincial Council may suitably assist the local Government. Nor ought such assistance to be unwelcome. For a local Government at budget time is flooded with proposals for new expenditure, without being by any means in a strong position to weigh their comparative merits. The budget work has to be done under considerable pressure, and those applicants for increased grants who are nearest the ear of Government or most insistent are apt to fare best. It is a scramble between the various departments, in which the arbitration of the Finance Department does not always prevail. As Financial Secretary in a province, I have often felt that purely departmental efficiency has pushed aside more genuine needs. It is not of course suggested that the intervention of the Provincial Council will ensure an infallible judgment between conflicting claims. But it will put the proposals on their defence; it will enlist some outside knowledge of local interests; and it will give the non-official members an important share in the preparation of the budget.

7. What I propose for consideration therefore is a procedure in three stages. The first stage is the rough draft of the Provincial estimates. In this the local Government will include all projects for new expenditure in excess of Rs. 5,000 which are put forward by the different departments, provided that they are covered by administrative sanction and that there is no *prima facie* objection to them. All such projects will be listed in a schedule, which will consist of two parts. In part I the local Government will place those items for which it considers that provision must be made—

- (a) in order to carry on a scheme already in hand, or
- (b) in pursuance of orders from the Government of India or the Secretary of State, or
- (c) to meet an urgent administrative need.

All other items, not earmarked as above, will be put in part II of the schedule. The draft budget, with this schedule of new expenditure, will then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the province can afford. It will rest therefore with the Government of India, after correcting the estimate of revenue and the opening balance (which it *always* has to do at present) to determine, in consultation with the local Government, the aggregate expenditure for which the provincial budget should provide; but the detailed correction of the expenditure estimates which is now undertaken in the Finance Department would be dispensed with. The alterations in the revenue figures, and the figure of total expenditure as fixed by the Government of India, would then be communicated to the local Government. The Government of India will also reserve the power—I think this is essential—to alter or add to part I of the schedule.

8. The second stage brings the Provincial Council upon the scene. I am inclined to think that the work would be better done by a select committee than by the more unwieldy body of the whole council. We might have a standing Finance Committee of the Council, numbering not more than 12 (in the smaller councils 8, or even 6, might suffice). There would be an equal number of officials and non-officials. The latter might be elected by the non-official members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the local Government, and would be selected mainly for their capacity to represent the bigger spending departments. The Financial Secretary (or, in Madras and Bombay, the Member of Council who has charge of the Financial Department) would be chairman, with a casting vote.

On receipt of the Government of India's orders on its draft budget, the local Government will at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the committee will be private and informal. Discussion will be free, and the decisions will go by the vote of the majority. In regard to certain items in the schedule, it is probable that the local Government

would give a mandate to its officers, and secure their retention by the solid official vote. In regard to others, the officer representing the department concerned would be heard in their support, their urgency would be compared with items supported by other departments, and the committee would then vote upon them on their merits. On occasions, the committee might decide to insert in the budget a project which had not appeared in the original estimates ; and to this I do not think there need be any objection, if the scheme were one for which administrative sanction existed or which the local Government were prepared to support.

On the conclusion of its work, the Committee will report the corrections in part II which it considers necessary, in order to bring the total budget expenditure within the figure sanctioned by the Government of India. The local Government will revise its expenditure estimates accordingly, make any alteration in the revenue estimates which the progress of actuals may suggest, and report the amended figures to the Government of India for incorporation in the Imperial budget.

9. The third stage begins with the presentation of the estimates as a whole to the Provincial Council. On receiving the revise (or second edition) of the estimates, as explained in the last paragraph, the Government of India will make no further changes on the expenditure side. But they will bring the revenue figures up to date, give effect to any taxation proposals, and insert any special grants for the province which the Secretary of State may have sanctioned out of the Imperial surplus. They will then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, will be communicated to the local Government on the day when the Imperial budget is opened. The local Government will at once print up its budget, and call a meeting of its Provincial Council, when the budget will be formally presented by the official in charge, with a speech describing its general purport.

I am not quite sure how the Council should constitute itself for the consideration of the budget. My inclination is to suggest that it should resolve itself into Committee of Supply (though that term would probably not be used). This would presumably allow of greater freedom of debate, and it would permit the head of the province to leave the chair and to put the representative of the Finance Department in charge. My note continues upon the assumption that an arrangement of this sort will be adopted.

10. In committee, each head or group of heads will be taken up separately. The figures will be explained by the official member who represents the administrative department concerned. Any member will then be at liberty to move a resolution regarding any entry in the head or group under discussion, subject always to the reservation described in paragraph 18 below ; and the resolution will be debated and put to the vote. All resolutions carried by a majority of votes will be reported to the local Government ; but it will be entirely at the discretion of the local Government to accept any such resolution in whole or in part, or to reject it.

In order to meet the requirements of the Government of India (see below) it will be necessary to restrict the discussion in committee to a period of three days. Rules will probably be framed to prevent a member from making more than one speech on any single resolution, and to prescribe a time limit for speeches. Power might also have to be given to the chairman to close the debate on any head or group when he considered that sufficient opportunity had been given for its consideration. But all these, and many other details of procedure, can be developed hereafter.

11. As soon as the Committee has finished with the budget, the local Government will consider what, if any, alterations are to be made as the result of the discussion. Without the Government of India's sanction, it will not be allowed to change the revenue figures or increase the total figure of expenditure as formerly settled by that Government. But it may, if it so desires with reference to the Committee's resolutions, vary the distribution of the expenditure in detail. The figures as finally altered will be telegraphed to the Government of India, and

the final edition of the Provincial budget will then be compiled and printed. This will be presented by the member in charge at an adjourned meeting of the Council along with a report of the Committee's proceedings. He will describe any changes that have been made in the figures, and explain why any resolutions of the Committee have not been accepted by the local Government. An omnibus debate will follow; but no resolution or voting will be permitted, and on the close of the debate, the budget will be taken as passed.

12. To summarize the foregoing proposals. The local Government will prepare its draft budget on the same lines as at present, but a month earlier; and it will include in the estimates of expenditure a number of schemes which, under existing conditions it would cut out for want of funds. It will rest with the Government of India, having regard to the resources of the province and the state of its balances, to determine the aggregate provincial expenditure for which the local Government may budget. The local Government will refer this decision to a standing committee of its Legislative Council, along with a list of all the optional schemes of expenditure which were included in the draft budget, and this committee will have to select which of the schemes are to be retained in the budget, so as to bring the aggregate expenditure within the sanctioned figure. Revising its budget accordingly, the local Government will resubmit it to the Government of India in the Finance Department. Here the revenue figures will be brought up to date, but the expenditure figures will not be altered; and the estimates as a whole will be incorporated in the Imperial financial statement as at present, an abstract of the Provincial figures being forwarded to the local Government immediately after that statement is presented. This will enable the local Government at once to lay its budget before its own Council. A debate by major heads or groups of heads, with a time limit, will then take place. Subject to the reservation of certain items, resolutions may be moved and voted upon in regard to any entry in the budget. No resolution will bind the Government, but the Government may give effect to any resolution concerning expenditure provided that the result is not to increase the total figure sanctioned by the Government of India. The local Government will retain its present executive powers of re-appropriation between budget grants; but nothing in the way of an Appropriation Bill or a Committee on the Public Accounts will be instituted.

IMPERIAL BUDGET.

13. After thinking out the subject most carefully, I much regret that I cannot devise any means of giving to non-official members of Council a share in the preparation of the Imperial budget, corresponding with what has been suggested for the Provincial budgets. The only real method of securing their co-operation is that which Sir Edward Baker proposed; and as that scheme has been decisively rejected by the Secretary of State, I do not think we should try him with anything that must be more or less a watered-down solution of the same idea. There is no possible objection in theory to the consultation that Sir Herbert Risley suggests. We have always a selection of schemes on hand for dealing with a possible surplus; and we should often be glad of reliable non-official opinion upon them. But to place them before our non-official colleagues with reference to the surplus of a particular year, would open up broad questions of policy which I gather that the Secretary of State does not wish us to pass out of our own keeping. Moreover, they are questions upon which we already know the trend of non-official feeling with some exactness. If any given surplus were put before them, one section of our advisers would press for a reduction of the income-tax; another for lighter assessments on the land; a third for the furtherance of education; and so on. A few might advocate the claims of their own provinces. Whether any voice would be raised in favour of better pay for the police or for such unostentatious schemes as veterinary improvements, I very much doubt; and I am not at all sure that we should frequently act upon the opinions which we asked for. The difficulties which Sir Herbert Risley has himself felt about his scheme (paragraph 26 of his note) are serious enough. If to them we add the probability that we should rarely be able to accept the budget committee's advice, I think we had better give up the proposal. It would be difficult to defend to the Secretary of State; it would be difficult to work; in practice it would be a disappointment; and it would not add materially to

the opportunities which we already possess for consulting non-official opinion on our fiscal policy.

14. I trust, however, that the abandonment of a preliminary committee stage in the Imperial Council will not be regarded as fatal to the parallel stage which has been proposed for Provincial Councils. The conditions in the two cases are widely different. No questions of taxation or of remitting revenue arise in a Provincial budget. Projects of new expenditure which open up broad issues of policy will be reserved by the local Government (or by the Government of India) under part I of the provincial schedule. The non-official opinion will simply be exercised in the selection of schemes about which a local Government wants advice and is ready to take it. There is no such field for non-official intervention in the Imperial budget, but that is no reason why we should not avail ourselves of the opportunity where it offers.

15. If the foregoing views are accepted, all that we have to consider is the subjection of the Imperial budget to the more elaborate form of discussion which the Secretary of State approved in paragraph 31 of his despatch of the 17th May 1907. This change will necessarily involve giving up more time to the budget ; and there is already considerable feeling against crowding it in, as is now the practice, at the fag end of the Calcutta session. I would suggest therefore that it be put forward as a definite rule that the financial statement shall be presented during the last five days in February ; and that the budget shall be finally passed on the day three weeks after that on which it was presented. There are very strong reasons for being particular about dates ; and I need not enter here into the arrangements which will be necessary in order to admit of the budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which we now append to the financial statement will have to be dropped. The Finance Member's speech will also have to be more general in its tone, and will not describe the figures of expenditure with the same precision as now.

16 In regulating the new system of discussion, one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Sir Edward Baker, writing on the assumption that all amendments carried in Council would be binding on the Government unless vetoed by the Viceroy, proposed to forbid the moving of amendments to the revenue figures or to the following heads of expenditure :—

- (1) Home charges ;
- (2) Political and ecclesiastical charges ;
- (3) Debt charges ;
- (4) Charges imposed by order of His Majesty's Government or by Parliament ; and
- (5) Purely provincial charges.

Now that the Secretary of State has decided against making any amendment in Council binding upon the Government, I think we may with safety enlarge our bounds. It is clearly imperative, however, on grounds of public polity, that certain items of expenditure should be excluded from debate ; and in this matter I think it would be perfectly sufficient for us to refer to the practice in the United Kingdom.

17. The rule of the English constitution is that all items of revenue and expenditure which belong to the consolidated fund are not brought under the purview of Parliament when the budget is presented. The Consolidated Fund originated after the Revolution of 1688, in an attempt to delimit the rights of the Crown from those of Parliament. The former were represented by William III.'s Civil List. To this were gradually added other heads of expenditure, mostly authorized by special Acts of Parliament, and exempted from annual discussion. The Consolidated fund now consists of :—

- (1) His Majesty's Civil List ;

- (2) Annuities (Royal Family and certain hereditary pensions) and pensions for special (ex-Cabinet Ministers) and judicial services.
- (3) Certain salaries and allowances (Speaker of House of Commons, Lord Lieutenant of Ireland, etc.).
- (4) Salaries of High Court and County Court Judges, and Police Court Magistrates, and of corresponding officials in Scotland and Ireland.
- (5) Certain miscellaneous charges, chiefly payments in aid of Local Taxation.

I believe that all taxation, except the income-tax and the tea duties, are credited to the consolidated fund ; any alteration in excise, customs, etc., duties being affected by special legislation. It is estimated that $\frac{3}{5}$ ths of the annual receipts and $\frac{1}{5}$ th of the annual expenditure are not voted upon in the budget discussion.

In the self-governing colonies, the expenditure of the year is usually divided into "Act" and "Vote" expenditure. The former includes salaries of the Governor, Executive Council, Judges and others (sometimes the Auditor General), as well as all special expenditure which has been authorized by special Act of either the Imperial or the Colonial Parliament. The Vote expenditure alone is discussed in the yearly debate, each major head in effect being separately put to the House.

I do not know of anything exactly corresponding to this in other countries. Germany has a "Military Septennium" and also a 6 yearly contract vote for its Navy : but I am not quite clear how they are worked. The effect, however, is to keep the power over a large share of the Military and Naval expenditure out of the hands of Parliament.

18. Proceeding on the analogy of the United Kingdom, I suggest that the following major heads and items be at once ruled out of the scope of the detailed budget discussion :—

XI. Tributes from Native States (entire head).

13. Interest on Debt . . . (ditto).

18. General Administration :—

(i) Salaries of the Secretary of State, his Council, and their establishment.

(ii) Salaries, staff and household charges of the Governor-General, Governors, Lieutenant-Governors, and Chief Commissioners ;

(iii) Salaries of the Executive Council.

19A. Courts of Law :—

Salaries of Judges of High and Chief Courts, and of Judicial Commissioners.

23. Ecclesiastical (entire head).

25. Political . . . (ditto).

27. Territorial and Political Pensions (entire head).

Similarly, there should be a rule prohibiting the discussion in the Imperial Council of purely provincial items of revenue and expenditure, and the discussion in Provincial Councils of purely Imperial items of revenue and expenditure.

[In some rough notes which Sir Edward Baker left with me, he seems to have contemplated the exclusion—besides most of the above heads—of army, police and famine charges, and of the working expenses of railways and major irrigation works. I do not know what his reasons were ; but they were probably influenced by the danger of an adverse vote under his original scheme. With the system now proposed, I do not see why police, famine or railway charges should

not be discussed, though the question of the military estimates is more doubtful.]

19. I return now to the main lines of budget procedure (paragraph 15 above). When the Imperial budget is presented during the last five days in February, it will be convenient, I think, for the Council to resolve itself into Committee at once, for the discussion of the budget by blocks. It should be a committee of the whole Council, with the Finance Member in the chair; and the first meeting should take place not later than one week after the day on which the budget is presented. The committee should sit *de die in diem* until its work is complete; and I think there should be a rule requiring it to finish its business on or before the 10th of March. It should not be necessary to allot more than four or five days for the discussion; and it is essential that the final corrections should all be known in good time to get the budget, with its supplementary tables and notes, into the shape in which it will be passed at the adjourned meeting of Council between the 17th and 21st of March.

20 The method of discussion will be exactly similar to what has been outlined for Provincial Councils. Major heads or groups of heads will be taken up in order, the discussion being opened with an explanatory speech by the Member of Executive Council who controls the departments concerned, or, if so arranged, by another member on his behalf. For example, the Chief of Staff, if he is on the Council, might open the military estimates; and with the Finance Member in the chair, it might be convenient to put up the Financial Secretary to explain opium, salt or excise. Each member will then be at liberty to make one speech on each head or group, and to move a resolution or series of resolutions relating to the figures which it includes. (I think two days' notice should be required of the intention to move any resolution.) The opener will have the right of replying to the discussion, which will then close. The Council will divide upon any resolutions which are pressed; and the result of all resolutions which are carried will be duly recorded. But the Government will not be bound to take action upon any resolution, either in whole or in part. Power should be vested in the chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time limit for individual speeches. Each member should be required to stand in his place when speaking, and written speeches should be out of order.

21. When the committee has completed its labours, it will be for the Government to decide what corrections, if any, shall be made in the budget as a result of the discussion. These will be carried out in the estimates at once, along with any alterations in the Provincial figures that have been telegraphed by local Governments. At the adjourned meeting of the Council, the Finance Member will submit the budget in its final form, along with a formal report of the proceedings in committee. It would be well to take the opportunity to explain briefly why Government had been unable to accept any resolutions that were carried by the committee; and in the case of the budget at least, I think this course would be preferable to giving a subsequent *apologia* in the Gazette. After the Finance Member's speech, the other members may speak in turn; but no resolutions will be allowed. The debate will be replied to by the Finance Member, and summed up by the Viceroy; whereupon the budget will be regarded as passed. As in the case of Provincial budgets, the existing powers of re-appropriation from budget grants will remain, and no Appropriation Bill will be laid before the Council.

J. S. M[ESTON].

5th September. 1908.

Appendix.

Draft rules for the preparation and passing of Provincial Budgets.

1. The local Government will send up its draft budget, with such explanatory memorandum as it may desire, to the Government of India in the same form as at present ; but the date of receipt in the Imperial Secretariat will be altered from the 20th of January to the 20th of December. The 1st edition of the budget notes will simultaneously be submitted by the Accountant General.

2. Attached to the budget will be a schedule showing every new item of expenditure exceeding Rs. 5,000 which appears in the budget.

3. This schedule will be divided into two parts : Part I containing the projects which the local Government considers to be imperatively necessary :—

- (a) as integral parts of schemes already in hand ; or
- (b) to carry out definite orders of the Secretary of State or the Government of India ; or
- (c) to meet administrative emergencies.

Part II will contain all the other projects in the schedule.

4. The Government of India (*i.e.*, the Finance Department with the concurrence of the administrative department concerned) will reserve full power to transfer any item from Part I to Part II, or *vice versa*, or to add to Part I.

5. The Government of India in the Finance Department will revise the estimate of revenue (including the opening balance) and will fix, with reference to the state of the Provincial balance and in consultation with the local Government, the total expenditure which the local Government may budget for.

6. An abstract of the budget will be received back from the Government of India about the 12th—15th of January, with an intimation of—

- (a) the estimated revenue by major heads, as accepted by the Government of India ;
- (b) the total figure of expenditure which the local Government will be at liberty to budget for ;
- (c) any changes which the Government of India consider necessary in Part I of the schedule ;
- (d) any remarks which the Government of India may communicate regarding any of the schemes in Part II of the schedule.

(The 1st edition of the budget notes will at the same time be returned to the Accountant General.)

7. The local Government will then at once convene the Budget Committee of the Provincial Council, and lay the draft budget, with the Government of India's orders and remarks thereon, before it.

8. The Budget Committee will consist, in the larger Councils, of 12 members, and in the smaller of 8 ; officials and non-officials being equally balanced in each case. The Chairman will be the Financial Secretary (in Bombay and Madras, the Member of the Executive Council in charge of the Finance Department). The non-official members of the committee will be elected by the non-official members of the Council in such manner as the local Government may provide. The official members will, generally speaking, be representative of the principal spending departments of Government. The Chairman will have a casting vote.

9. It will be the duty of the Committee to decide which of the items in Part II of the schedule will be retained in the budget, strict regard being had to the figure of total expenditure accepted by the Government of India. Should the total expenditure so sanctioned differ from the estimate of total expenditure in the draft budget, the difference will have to be made good

by reducing or enlarging, as the case may be, the expenditure in Part II of the schedule. The committee will not be bound, however, to restrict their consideration to the projects included in Part II, but will be at liberty to introduce into Part II any other item for which administrative sanction exists or for which it seems probable that administrative sanction can be obtained without delay.

10. The local Government, on receiving the report of the Budget Committee, will amend its budget accordingly, and will submit a statement of the alterations to the Government of India, with such remarks or explanations as it considers necessary, a copy being simultaneously transmitted to the Accountant General.

11. This statement (from the local Government) and the 2nd edition of the budget notes (from the Accountant General) must reach the Government of India by the 5th of February.

12. Up to the 16th of February, the Government of India will make any alterations in the revenue figures and the opening balance which they consider necessary with reference to the progress of actuals. If these alterations are large enough to affect the provincial resources materially, the Government of India will warn the local Government of the corresponding extent to which they consider that the provincial expenditure may be capable of expansion or will have to be curtailed, as the case may be. But any change in the figures of provincial expenditure will be left to be carried out by the Provincial Council when the budget is before them.

13. As soon as the financial statement is presented in the Imperial Council (24th-28th February) the Government of India will return the 2nd edition of the Provincial budget to the local Government, with the estimates of revenue and opening balance finally settled.

14. The local Government will present the Provincial budget in its Provincial Council not later than the 7th of March.

15. As soon as the Provincial budget is presented, the Council will resolve itself into committee. Each head or group of heads of revenue and expenditure will be explained by an official member who represents the departments concerned, and will then be discussed by the committee.

16. Any member of the committee will be at liberty to move a resolution in regard to any entry in the budget other than those which are expressly excluded from discussion, and to divide the Council thereon. But the Government will not be bound to accept or to give effect to any such resolution; and it must not accept any proposals for so altering the figures as to bring the total expenditure in excess of the amount (including any special grants) which has been sanctioned by the Government of India, *plus* any further amount of expenditure which it may have been authorized to provide for under 12 above.

17. Not more than three days will be allowed for the committee stage of the proceedings.

18. After the discussion in committee, the local Government will telegraph to the Government of India, not later than the 12th March any alterations which have been made in the figures of expenditure, giving details by major heads. Those alterations will be embodied in the Imperial budget, and the final figures will be communicated to the Provincial Government as soon as the Imperial budget is passed.

19. The final figures will then be presented to the Provincial Council, when there will be an omnibus debate on the same lines as at present, but no further change in the figures will be allowed.

Fifth Report of the Committee appointed to consider the Council reforms.

RESOLUTIONS, QUESTIONS, AND DISCUSSION OF THE BUDGET.

1. *Power to move resolutions.*—The question of permitting the members of Legislative Councils to bring forward for discussion administrative questions and to move resolutions relating to them was raised in 1886 by the National Congress and was embodied in a private Bill for the amendment of the Indian Councils Act which was prepared by Mr. Bradlaugh in February 1890. In 1888 Sir George Chesney's Committee recommended that in addition to legislation it should be one of the functions of the local councils to originate advice and suggestions on any subject connected with internal administration, and that their views should be embodied in the form of a memorandum addressed to the head of the Government. They advised however that it should not be permissible to propose resolutions relating to subjects removed from the cognizance of the Provincial Legislative Councils by section 43 of the Councils Act of 1861 which forbids them, except with the previous sanction of the Governor General, "to make regulations or to take into consideration any law or regulation" relating to the public debt, customs, and Imperial taxes; coin, bills, and notes; post office and telegraph; altering the Penal Code; religion; army and navy; patents or copyright; foreign relations.

2. The Government of India's letter of the 24th August 1907 made no proposals of this kind and the recent papers do not contain many references to the subject. No local Government makes any specific proposal on the subject in connexion with the Legislative Councils. In Madras Mr. Vijiaraghavachariar, ex-member of the Legislative Council, suggests that power should be given to members of the Legislative Councils "to move resolutions on any subject unconnected with a measure of legislation pending or in contemplation." He observes that this would "tend to greater mutual understanding and harmony between the executive Government and the members" and would "take away the effect of the short questions and answers under strict rules from being misunderstood by the public generally and the information obtained from the Government or the refusal to afford any would be better understood and appreciated." The Bombay Presidency Association propose that any member may move for the production of papers relating to any question, and may divide the Council if their production is refused, and that when more than a third of the elected members represent to the President that any question of importance requires immediate or early discussion, a meeting of the Council should be called for the purpose without unnecessary delay. Mr. Romesh Chunder Dutt makes a similar suggestion.

3. The Committee are impressed with the benefits which both the Government and the educated public would derive from the well-ordered discussion of administrative subjects in the Legislative Councils either on a reference from the head of the Government or at the instance of a private member. Such discussions would give the Government an opportunity of making their view of a question known and of explaining the reasons which had led them to adopt a particular line of action. So far as the educated public are concerned, there can be little doubt that the right to move resolutions on administrative questions and to argue these in a regular debate will be welcomed as a very great concession; that it will be resorted to freely; and that it will tend to bring about more intimate relations between the official and non-official members. The Committee think that the resolutions should be in the form of recommendations to the Government, because this form expresses the constitutional position more precisely, and emphasises the fact that the decision must in any case rest with the Government rather than with the Council. In the event of a resolution not being accepted by the Government an opportunity would be taken of explaining their reasons.

4. The discussion of administrative questions can however only be permitted subject to certain rules and restrictions which must be clearly laid down. The Committee do not feel themselves in a position at the present stage to make

an exhaustive enumeration of these, and they anticipate that, as has been the case in the House of Commons, actual experience will lead to the framing of standing orders designed to meet the exigencies of debate. It seems to them, however, that the following conditions must be imposed from the first—

- (1) Resolutions must relate to matters of public and general importance and not to isolated incidents of administration or personal questions.
- (2) No resolution should have by itself any force or effect. It must rest with the Government to take action or not to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its resolutions a higher degree of authority than attaches to a resolution of the House of Commons.
- (3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted.
- (4) The President must have power to disallow any resolution without giving any other reason than that in his opinion it cannot be discussed consistently with the public interests. This will enable him to reject resolutions which are contrary to public policy, or which relate to matters which could not be discussed without anticipating or seeming to anticipate the decision of the Secretary of State.
- (5) In order to avoid the too frequent exercise of this general power of disallowing resolutions certain classes of subjects ought to be expressly excluded. In the case of the Provincial Councils the proposals of Sir George Chesney's Committee referred to above seem to be suitable. In the Imperial Council the admissible range of discussion is necessarily larger, and it is less easy to define its limits precisely. For the present the Committee think it sufficient to say that some subjects must be specially excluded, and that the question which those should be can be best settled later on when the rules of business are drawn up.
- (6) It will also be necessary to place some limitation upon the time allotted to the discussion of resolutions.

5. *Power to ask questions.*—The right of asking questions in the Legislative Councils, subject to certain conditions and restrictions, was conceded by the Indian Councils Act of 1892. The Committee recommend that it should be extended to the enlarged Councils which they propose for the Punjab and Burma. They do not suggest any alteration in the rules governing the subject.

6. *The discussion of the budget.*—The connected questions of the preliminary settlement of the budget by a Committee of the Imperial Legislative Council, and its further discussion in the full Council were very fully examined in paragraphs 60—78 of the Government of India's despatch of 21st March 1907. The conclusions then arrived at were :—

- (1) That a Committee of eleven members, four of whom would be elected by the non-official members of Council, should be formed about the middle of December, for the purpose of considering and reporting confidentially to the Government of India on the financial situation for the coming year, as indicated by the estimates and other data then available.
- (2) That the budget, when presented to the full Council, should be discussed in the first instance by separate heads or groups of heads, each of which would be explained by the member in administrative charge.
- (3) That this discussion should be followed by a general debate, in which members would have the full liberty of criticism that they enjoy now.

The Government of India were unable to support Sir Edward Baker's proposal that formal amendments to the budget should be moved in and passed by the Council. The leading features of his scheme were :—

- (1) That existing expenditure should not be open to amendment.
- (2) That new expenditure should be included in a separate schedule any item of which might form the subject of an amendment, except those relating to Home, Military, Political, Ecclesiastical or Debt charges, or expenditure incurred by order of the Secretary of State or of Parliament.
- (3) That no amendments should be allowed in respect of the revenue heads of the budget.

7. The Secretary of State rejected the proposal to refer the estimates to a Committee and agreed with the Government of India in regarding Sir Edward Baker's scheme of amendments as inexpedient. In accordance with this decision the published letter of 24th August 1907 merely proposed that the budget should be explained by heads or groups of heads by the members in charge of departments, and should be discussed in the same way by the other members, and that this discussion should be followed by a general debate conducted on the same lines as at present.

8. The opinions received do not throw much light on the question, how the Government can give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The Governments of Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal Conferences with the non-official members of the Legislative Council, when the first edition of the provincial budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. The Bombay Government claim a greater degree of financial independence, and they and other Governments argue that, so long as the provincial budget requires the previous sanction of the Government of India, the discussions in the full Council can deal only with settled facts. No amendments can be moved at that stage, nor can alterations be introduced by the local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in the published letter. No Government suggests any plan for enabling the full Council to debate and vote upon specific assignments of funds. The non-official critics either demand the power of moving amendments to any items of the budget, or express general approval of the Government of India's proposals.

9. The Committee agree in thinking it advisable that the Councils should be afforded increased facilities for expressing their views upon the budget, and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered, and to adopt, and give effect to such suggestions as may be found practicable. The ultimate control must however rest with the Government, and no useful purpose would be served by affecting to ignore this essential fact. It is the Government, and not the Council, that decides any question arising on the budget, and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items.

10. *The Imperial Budget.*—These being the general objects which the Committee have in view, they believe that they may be attained in the case of the Imperial budget by laying down that the financial statement shall be presented during the last five days in February; and that the final discussion of the budget shall take place not more than four weeks later. There are very strong reasons for being particular about dates; and the Committee need not enter here into the arrangements which will be necessary in order to admit of the budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which are now appended to the financial statement will

have to be dropped. The Finance Member's speech will also have to be more general in its tone, and will not describe the figures of expenditure with the same precision. This disadvantage will however, in the opinion of the Committee, be amply counterbalanced by the fact that the earlier presentation of the budget will enable the Government to obtain the views of the Council on their financial proposals at a stage when it will still be possible to act upon their advice. On the presentation of the financial statement it will be convenient for the Council to resolve itself into Committee for the discussion of the budget by blocks. It should be a committee of the whole Council, with a Member of the Government in the chair; and the first meeting should take place not later than one week after the day on which the budget is presented. The Committee should sit *de die in diem* until its work is complete; and there should be a rule requiring it to finish its business on or before the 10th of March; and it is essential that the final corrections should all be known in good time to get the budget, with its supplementary tables and notes, into the shape in which it is to be finally presented.

11. For the purpose of discussion in Committee the major heads or groups of heads would be taken up in order, the discussion being opened with an explanatory speech by the Member of the Executive Council who controls the departments concerned, or, if so arranged, by another member on his behalf. Each member would then be at liberty to move a resolution in the form of a recommendation to the Government relating to the figures in any head or group, two days' notice being given of the intention to move a resolution. The Council would divide upon any resolutions which were pressed; and the result would be duly recorded. But the Government would not be bound to take action upon any resolution, either in whole or in part. Power should be vested in the chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time limit for individual speeches. Here, as in paragraph 2 above, the Committee desire to draw attention to their proposal that the resolutions should be in the form of recommendations to the Government as indicating that the power of passing the Budget is vested not in the Council but in the executive Government. This is not a mere verbal refinement; it denotes a constitutional fact; and it has the further advantage of avoiding any objection that may be taken to the Committee's scheme on the basis of the English rule that all proposals for the increase of expenditure must be initiated by the Crown. If it is necessary for the Committee to support their proposals by a reference to Parliamentary practice, the requisite analogy is to be found in the right of the House of Commons to submit an address to the Crown recommending certain expenditure.

12. When the Council sitting in Committee has completed its labours, it would be for the Government to decide what alterations, if any, should be made in the budget as a result of the discussion. These would be carried out in the estimates at once. At the adjourned meeting of the Council, the Finance Member would submit the budget in its final form, along with a formal report of the proceedings in Committee. This opportunity would be taken to explain briefly why Government had been unable to accept any resolutions that were carried in Committee. After the Finance Member's speech, a general discussion would follow; but at this stage no further resolutions would be admissible. The Finance Member would make a general reply and the Viceroy would sum up the debate; whereupon the budget would be regarded as passed.

13. *The Provincial Budgets.*—In preparing its provincial budget, a local Government has no anxieties about ways and means in the wider sense of that term. Its surplus or deficit is absorbed in the general balances of India. It is not affected by remissions of taxation, for the effects of which the Imperial exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue, without drawing unduly upon the provincial balance. In the opinion of the Committee it is in this task that the Provincial Council may suitably assist the local Government. Nor ought such assistance to be unwelcome. For a local Government at budget time is flooded with proposals for new expenditure, and purely departmental efficiency may

sometimes push aside more genuine needs. It is not of course suggested that the intervention of the Provincial Council will ensure an infallible judgment between conflicting claims. But it will put the proposals on their defence; it will enlist some outside knowledge of local interests; and it will give the non-official members a substantial share in the preparation of the budget.

14. What the Committee propose for consideration is a procedure in four stages. The first stage is the rough draft of the Provincial estimates. In this the local Government would include all projects for new expenditure in excess of Rs. 5,000 which are put forward by the different departments, provided that they are covered by administrative sanction and that there is no *prima facie* objection to them. All such projects would be listed in a schedule, which would consist of two parts. In part I the local Government would place those items for which it considers that provision must be made in order to carry on a scheme already in hand, or in pursuance of orders from the Government of India or the Secretary of State, or to meet an urgent administrative need. All other items, not earmarked as above, would be put in part II of the schedule. The draft budget, with this schedule of new expenditure, would then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the province can afford. It would rest therefore with the Government of India, after correcting the estimate of revenue and the opening balance (which it *always* has to do at present) to determine, in consultation with the local Government, the aggregate expenditure for which the provincial budget should provide; but the detailed correction of the expenditure estimates which is now undertaken in the Finance Department would be dispensed with. The alterations in the revenue figures, and the figure of total expenditure as fixed by the Government of India would then be communicated to the local Government. The Government of India would also reserve the power—the Committee think this is essential—to alter or add to part I of the schedule.

15. The second stage would bring the Provincial Council upon the scene. The Committee are inclined to think that the work would be better done by a select committee than by the more unwieldy body of the whole Council. They suggest the appointment of a standing Finance Committee of the Council, numbering not more than 12: in the smaller councils 8, or even 6, might suffice. There would be an equal number of officials and non-officials. The latter might be elected by the non-official members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the local Government, and would be selected mainly for their capacity to represent the bigger spending departments. The Financial Secretary (or, in Madras and Bombay, the Member of Council who has charge of the Financial Department) would be chairman, with a casting vote. Most local Governments have proposed a procedure substantially on these lines; and the recent action of the Governments of Madras and Bengal in appointing Committees of their Councils to consider the budget informally has been received with general approval.

16. On receipt of the Government of India's orders on its draft budget, the local Government would at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the Committee would be private and informal. Discussion would be free, and the decisions would go by the vote of the majority. Where items were disputed, the officer representing the department concerned would be heard in their support, their urgency would be compared with items supported by other departments, and the Committee would then vote upon them on their merits. On occasion, the Committee might decide to insert in the budget a project which had not appeared in the original estimate; and to this there appears to be no objection, if the scheme were one for which administrative sanction existed or which the local Government were prepared to support. On the conclusion of its work, the Committee would report the corrections in part II which it considered necessary, in order to bring the total budget expenditure within the figure sanctioned by the Government of India. After considering the Committee's proposals the local Government would revise its expenditure estimates, make any alteration in the revenue estimates which the

progress of actuals might suggest, and report the figures which it decided to accept under both heads to the Government of India for incorporation in the Imperial budget.

17. The third stage would begin with the presentation of the estimates as a whole to the Provincial Council. On receiving the second edition of the estimates, as explained in the last paragraph, the Government of India would make no further changes on the expenditure side, unless, in the exercise of a power which they must always reserve, they found it necessary to direct a general reduction of expenditure in consequence of any exceptional strain on either the Imperial or the Provincial resources. But they would bring the revenue figures up to date, give effect to any taxation proposals affecting the budget, and insert any special grants for the province which the Secretary of State might have sanctioned out of the Imperial surplus. They would then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, would be communicated to the local Government on the day when the Imperial budget is opened. The local Government would at once print up its budget, and call a meeting of its Provincial Council, when the budget would be formally presented by the official in charge, with a speech describing its general purport.

18. The best method of conducting the consideration of the budget would be for the Council to sit as a Committee. This would allow of greater freedom of debate, and it would permit the head of the province to leave the chair and to put one of the official members in charge. In committee, each head or group of heads would be taken up separately. The figures would be explained by the official member who represents the administrative department concerned. Any member would then be at liberty to move a resolution in the form of a recommendation to the local Government regarding any entry in the head or group under discussion, and the resolution would be debated and put to the vote. The opportunity would be taken by the official members to move any addition to the estimate of expenditure in consequence of an Imperial grant, or any reduction in consequence of a specific direction from the Government of India to curtail expenditure. All resolutions carried by a majority of votes would be reported to the local Government; but it would be entirely at the discretion of the local Government to accept any such resolution in whole or in part, or to reject it. In order to allow sufficient time to have the Provincial figures incorporated in the Imperial budget before the latter is prepared in its final form, it would be necessary to close the discussion in Council by a certain date. Rules would have to be framed for this purpose.

19. The fourth stage would commence as soon as the Council sitting in Committee had finished with the budget. The local Government would then consider what alterations, if any, were to be made as the result of the discussion. Without the Government of India's sanction, it would not be competent to change the revenue figures or increase the total figure of expenditure as formerly settled by that Government. But it might, if it so desired with reference to the Committee's recommendations, vary the distribution of the expenditure in detail. The figures as finally altered would be telegraphed to the Government of India, and the final edition of the Provincial budget would then be compiled and printed. This would be presented by the member in charge at an adjourned meeting of the Council along with a report of the Committee's proceedings. He would describe any changes that had been made in the figures, and explain why any resolutions of the Committee had not been accepted by the local Government. A debate would follow; but no resolution or voting would be permitted.

20. In the foregoing paragraphs an attempt is made to indicate a treatment of the budget which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. The Committee assume that the financial year will continue the same and that the Imperial budget will be finally passed before the Government of India moves to Simla. The Committee further take it for granted that the appeal of the Bombay Government for authority to settle its own budget, without review or sanction by the Supreme Government, will not be accepted. They would very strongly dissent from any such change in our practice, for reasons which need

not be explained here. The Government of India subject to the Secretary of State must continue to exercise the final control over the revenue and expenditure in India, but under the revised procedure it may be foreseen (though the matter is not one for regret) that their control will be less minute, than it is at present.

21. In regulating the new system of discussion, one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Sir Edward Baker, writing on the assumption that all amendments carried in Council would be binding upon the Government unless vetoed by the Viceroy, proposed, as has been mentioned above, to forbid the moving of amendments to the revenue figures and to certain heads of expenditure. Now that it has been decided that no recommendation will be binding upon the Government, the limits within which resolutions may be proposed can be very materially enlarged without running any risk of embarrassing the Government. It is clearly imperative, however, on grounds of public policy, that certain items both of revenue and of expenditure should be excluded from debate; and the Committee annex to their report two schedules showing what heads of the Imperial and provincial budgets they consider should be thus reserved. They desire to draw attention to the large number of items which they have left open to discussion, and the comparatively small number which they propose to exclude. The grounds for exclusion are various. Some items both of revenue and expenditure are fixed by law, and the proper method of proposing any alteration of them is the introduction of a bill. Most of the political heads are governed by treaties or engagements with which the Councils have no concern; the debt heads depend upon contracts which cannot be altered; and military and ecclesiastical charges raise far-reaching questions of policy which it would be inexpedient to discuss and impossible to put to the vote. Finally it is obvious that the Imperial Council can only discuss with advantage the revenue and expenditure which is under the administration of the Government of India, while a Provincial Council must equally be restricted to items subject to the control of the local Government. In addition to these specific reservations, which the Committee have endeavoured to make as few as possible, it will be necessary to impose some further restrictions upon resolutions with the object of preserving the business character of the debate and of restricting it as far as possible, to the financial aspects of the budget. The discussion of the budget by heads is intended to deal with the settlement of the figures, and generalities having no direct bearing on this point should be ruled out as irrelevant at that stage, and relegated to the general debate. The Committee apprehend that there will be no difficulty in framing a rule which will give to the Chairman of the Council when sitting as a Committee a general power to enforce this necessary distinction.

22. In conclusion, the Committee desire to point out that their proposals will have a marked tendency to promote decentralisation, while at the same time they will in no way relax the control which is exercised by the Secretary of State over the expenditure of the revenues of India.

The 22nd September 1908.

H. REELE RICHARDS.

H. ADAMSON.

J. O. MILLER.

W. L. HARVEY.

J. S. MESTON.

IMPERIAL COUNCIL.

REVENUE.		EXPENDITURE.	
Heads for debate.	Head excluded from debate.	Heads for debate.	Heads excluded from debate.
I. Land Revenue.	IV. Stamps.	1. Refunds and Drawbacks.	2. Assignments and Com- pensations.
II. Opium.	VII. Customs.	3 Land Revenue.	13. Interest on Debt.
III. Salt.	VIII. Assessed Taxes.	4. Opium.	23. Ecclesiastical.
V Excise.	XI. Tributes from Native States.	5. Salt.	25. Political.
VI. Provincial Rates.	XVI-A. Courts of Law.*	6. Stamps.	27. Territorial and Political Pensions.
IX. Forest.	XXXII. Army.	7. Excise.	38. State Railways‡.
X. Registration.	XXXIII. Marine.	8. Provincial Rates.	42. Major Works : Interest on Debt.
XII. Interest.	XXXIV. Military Works All purely Provincial revenue.	9 Customs.	46. Army.
XIII. Post Office.		10. Assessed Taxes.	46-A. Marine.
XIV. Telegraph.		11. Forest.	47. Military Works.
XV. Mint.		12. Registration.	47-A. Special Defences.
XVI-B. Jails.		14. Interest on other Obligations.	All Statutory charges.
XVII. Police.		15. Post Office.	All purely Provincial ex- penditure.
XIX. Education.		16. Telegraph.	
XX. Medical.		17. Mint.	
XXI. Scientific and other Minor Departments.		18. General Administration†.	
XXII. Receipts in aid of Super- annuation.		19-A. Courts of Law†.	
XXIII. Stationery and Printing.		19-B. Jails.	
XXIV Exchange.		20 Police.	
XXV. Miscellaneous.		22. Education.	
XXVI. State Railways.		24. Medical.	
XXVII. Guaranteed Companies.		26. Scientific and other Minor Departments	
XXVIII. Subsidized Companies.		28. Civil furlough and Absentee Allowances.	
XXIX. Irrigation Major Works.		29. Surperannuation Allowances and Pen- sions.	
XXX. Minor Works and Navi- gation.		30. Stationery and Printing.	
XXXI. Civil Works.		32. Miscellaneous.	
		33. Famine Relief.	
		34. Construction of Protective Railways.	
		35. Crnstruction of Protective Irrigation Works-	
		36. Reduction or Avoidance of Debt.	
		39. Guaranteed Companies.	
		40. Subsidized Companies.	
		41. Miscellaneous Railway Expenditure	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		45. Civil Works.	
		48. State Railways Capital Expenditure not charged to revenue.	
		49. Irrigation Works . do. do.	

* Mainly Court fees and fines.

† These heads include certain statutory charges, which will be excluded from debate.

‡ This head deals purely with interest, sinking funds and annuities.

PROVINCIAL COUNCILS.

REVENUE.		EXPENDITURE.	
Heads for debate.	Heads excluded from debate.	Heads for debate.	Heads excluded from debate.
I. Land Revenue.	IV. Stamps.	1. Refunds and Drawbacks.	2. Assignments and Com- pensations.
III. Salt.	VI. Provincial Rates.	3. Land Revenue.	13. Interest on debt.
V. Excise.	VIII. Assessed Taxes.	6. Stamps.	25. Political.
IX. Forest.	XVI-A. Courts of Law.*	7. Excise.	42. Major works: Interest on debt.
X. Registration.	XXVI. State Railways.	8. Provincial Rates.	All Statutory Charges.
XII. Interest.	All purely Imperial reve- nue.†	10. Assessed Taxes.	All purely Imperial expen- diture.§
XVI-B. Jails.		11. Forest.	
XVII. Police.		12. Registration.	
XVIII. Ports and Pilotage.		14. Interest on other Obligations.	
XIX. Education.		18. General Administration.‡	
XX. Medical.		19-A. Courts of Law.‡	
XXI. Scientific and other Mi- nor Departments.		19-B. Jails.	
XXII. Receipts in aid of Super- annuation, etc.		20. Police.	
XXIII. Stationery and Printing.		21. Ports and Pilotage.	
XXV. Miscellaneous.		22. Education.	
XXIX. Irrigation Major Works.		24. Medical.	
XXX. Minor Works and Navi- gation.		26. Scientific and other Minor Departments.	
XXXI. Civil Works.		29. Superannuation Allowances and Pen- sions	
		30. Stationery and Printing.	
		32. Miscellaneous.	
		33. Famine Relief.	
		36. Reduction or Avoidance of Debt.	
		40. Subsidized Companies.	
		41. Miscellaneous Railway expenditure.	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		44. Construction of Railways charged to Provincial revenues.	
		45. Civil Works.	

* Mainly Court-fees and fines.

† Purely Imperial heads of account are omitted from this list—e.g., II, XI, XIII, XIV, etc.

‡ These heads include certain statutory charges, which will be excluded from debate.

§ Purely Imperial heads of account are omitted from this list—e.g., 4, 5, 9, 15, etc.

G. C. B. P., Simla.—No. C. 125 H. D.—22-9-08.—80.—H. A. W.

NO. 21 OF 1908.
GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

To

THE RIGHT HONOURABLE VISCOUNT MORLEY
OF BLACKBURN, O.M.,
His Majesty's Secretary of State for India.

Simla, the 1st October 1908.

MY LORD,

WE have the honour to address you on the subject of the constitutional reforms which were initiated more than two years ago by His Excellency the Viceroy in a minute reviewing the political situation in India. Lord Minto then pointed out how the growth of education, encouraged by British rule, had led to the rise of important classes claiming equality of citizenship, and aspiring to take a larger part in shaping the policy of the Government, and he appointed a Committee of his Council to consider the group of questions arising out of these novel conditions. From the discussions thus commenced there was developed, by stages which we need not detail, the tentative project of reform outlined in the Home Department letter to local Governments, no. 2310-17, dated the 24th August 1907. After receiving your approval in Council, that letter was laid before Parliament and was published in England and India. The local Governments to whom it was addressed were instructed to consult important bodies and individuals representative of various classes of the community before submitting their own conclusions to the Government of India. These instructions have been carried out with great care and thoroughness.

2. *Reception of the scheme.*—The provisional scheme thus submitted to the judgment of the Indian public comprised the creation of Imperial and Provincial Advisory Councils, the enlargement of the Legislative Councils, and more ample facilities for discussing the Imperial and Provincial Budgets. Every feature of our proposals has aroused keen interest, and has met with ample and outspoken criticism from the most intelligent members of Indian society, and the voluminous correspondence which we now enclose may be regarded as an adequate and exhaustive expression of the views of those who are qualified to pronounce an independent opinion on the weighty and intricate matters now under consideration. In a country where the separation of classes, castes, races, and communities, is so marked as in India, and little common national sentiment has as yet been evolved, the natural tendency is, as the Bombay Government have pointed out, for the advocates of each particular class or interest to consider how their own advantage can best be furthered, and to overlook the wider aspects of the subject. This tendency comes out strongly in the non-official opinions forwarded by the local Governments. From the landholders, whether Hindu or Muhammadan, the scheme has met with a generally favourable reception. With very few exceptions, they either approve of the proposals regarding Advisory Councils or make suggestions which leave their principle untouched. They welcome the

separate representation of the landowning interest on the Legislative Councils, and many of them lay stress on the condition that the member elected to represent their class must himself belong to it. The Muhammadans point out that the reforms of 1892 paid no regard to the diversity of the interests involved, and that territorial representation, in so far as it was then introduced, has placed a monopoly of voting power in the hands of the professional class. Most of them express their satisfaction with the scheme of Advisory Councils, and they are unanimous in their commendation of the proposal to assign special seats to Muhammadans on the Legislative Councils, though some of them urge that the measure of representation offered to them falls short of that which their numbers and influence entitle them to demand. On the other hand the leaders of the professional class regard the Advisory Councils as superfluous and illusory ; they protest against class electorates for the Legislative Councils ; and they demand the formation of territorial constituencies on a scale which would render their own influence predominant. Comparatively few opinions have been received from the commercial and industrial classes. But all of them, whether European or Indian, agree in complaining that their interests have received insufficient consideration and that they ought to have more members on the Imperial Legislative Council.

3. The divergent opinions briefly summarised here bear striking testimony to the wisdom of Lord Lansdowne's Government in describing Indian society

Despatch of 26th October 1892.

as "essentially a congeries of widely separated classes, races and communities, with divergences of interests and hereditary sentiment which for ages have precluded common action or local unanimity," and in insisting that the representation of such a community could only be secured by assigning to each important class a member specially acquainted with its views. The conditions which existed then are shown by the present correspondence to continue still. Indeed, the advance in general education, that has taken place since 1892, has added to the complexity of the problem by bringing to the front classes which were then backward, and by making them more keenly conscious of their individual interests and more disposed to claim separate representation by means of special electorates. In framing the greatly enlarged scheme of reform, which is explained below, we have given careful consideration to the views of all classes, and we desire to acknowledge the value of the opinions which have been submitted by the educated members of all communities who, though their number is relatively small, deservedly occupy a special position by reason of their intellectual attainments and the attention they have given to public questions. With these preliminary observations we pass to the consideration, in fuller detail, of the actual proposals upon which we now submit our final recommendations to His Majesty's Government.

AN IMPERIAL ADVISORY COUNCIL.

4. *Opinions on its composition.*—The considerations by which we were influenced in proposing the creation of an Imperial Advisory Council are fully stated in paragraph 4 of our letter of 24th August 1907. The Council then suggested was to consist of about sixty members, of whom twenty were to be Ruling Chiefs and the rest territorial magnates. The opinions of local Governments on the advantages of the scheme are divided. The views of the Madras Government are wholly adverse ; the Government of Bombay cordially agree with the principle involved, but demur to the combination of Chiefs and territorial magnates, and suggest an Advisory Council of Ruling Chiefs for consultation on questions affecting them alone ; the Lieutenant-Governors of Bengal and the United Provinces approve. The Lieutenant-Governor of the Punjab is opposed to a mixed Council, but thinks that a smaller Council of Princes to discuss matters of imperial and general importance might be of advantage, and suggests that to this Council there might be admitted a few men of wide reputation throughout India. The Chief Commissioner of the Central Provinces takes substantially the same view. The Lieutenant-Governors of Burma and of Eastern Bengal and Assam approve generally of the scheme. Most of the non-officials receive with enthusiasm

the general principle of associating the people more directly with the Government, but there is no unanimity in regard to the means by which this end may be attained, and the leading features of the Government proposal are generally condemned on various grounds. The main objections are that Ruling Chiefs will not sit with subjects of the British Government, who are necessarily of inferior status; that they have no knowledge of the conditions of British India, and that they would for that reason be useless either for the purpose of advising the Government, or of diffusing information to the people. As regards territorial magnates, it is alleged that they are out of touch with the people, and that their interests are necessarily adverse to those of the great body of agriculturists.

5. *Criticisms on the functions of the Council.*—Apart from the qualifications of its personnel the proposed Council is criticised on the grounds that it would have no legal recognition and no formal powers; that the Government would be under no obligation to consult it or to be guided by its advice; that its proceedings would be secret, and that Government would have discretion to publish or not to publish them as it thought fit; and that the views of a nominated Council would command no respect if they were in conflict with those of the elected members of the Legislative Council, while if the two bodies concurred in opposing the Government the difficulties of the situation would be increased. The views of a number of Ruling Chiefs have been ascertained by letter and by personal consultation, and several political officers have also been consulted. The majority of Ruling Chiefs are opposed to the formation of a Council on which Ruling Chiefs and territorial magnates would sit together. Nearly all the political officers are of the same opinion.

6. *Recommendations of the Government of India.*—We have carefully considered and discussed these criticisms. In view of the opposition of the Chiefs to a Council of mixed composition, and of the unfavourable reception which our proposal has met with in British India, we consider that the published scheme should not be proceeded with at present. It is possible that in course of time the relations of Native States to British India may become more intimate, and that common interests may arise which might with advantage be referred for discussion to a mixed Council, or to a Council consisting of two Chambers, one of Chiefs and the other of Notables. But in present conditions we are of opinion that an attempt to create a mixed Council in any form would result in failure. We think, however, that there should be an Imperial Council composed only of Ruling Chiefs. The scope of such a Council would necessarily be narrower than that of a mixed Council, but there are many questions of an Imperial character on which the advice of Ruling Chiefs would be of great value, and we are of opinion that the time has come when they should be invited to assist the Governor General in the guardianship of common and Imperial interests.

7. *Proposal for a Council of British Indian Notables.*—The question then arises whether, in addition to a Council of Chiefs, there should be an Advisory Council composed exclusively of Notables of British India. As to this our view is that if an experiment is to be made in the direction of Advisory Councils, it should be made, in the first instance, by the institution of Provincial Advisory Councils on the lines indicated below, and that the question of an Imperial Council of Notables for British India only should not be entertained until the success of that experiment has been vindicated. It will always be open to the Viceroy to ask for the advice of members of Provincial Councils if he so desires.

8. *The Council of Chiefs*—Concerning the manner in which a Council of Chiefs should be called into existence we observe that legislation is not necessary and would not be appropriate; we consider that the Council should be created in the exercise of the right of the Viceroy to choose his own advisers in respect of matters which are under his control as the head of the Government. This disposes of the various suggestions put forward in the papers as to local recognition, statutory powers, election of the whole or part of the Council, periodical meetings, right of initiative, power to block Government measures by the vote of a majority of a certain strength, public discussion, and so forth. It puts the scheme on its proper footing and leaves it to develop by the natural process of growth to which all successful political institutions are due.

9 *Number and term of office.*—Passing now to the questions of the number of the Council, the mode of appointment and the term of office, we recommend that it should be limited to such a number as is appropriate in view of the claims and traditions which have to be considered. We observe that the Imperial Privy Council proposed by Lord Lytton included only 12 Chiefs, and that His Lordship said that he could not recommend a larger number “without extending the honour to minors, or Chiefs of a rank too low for so high and honourable an office, or to Chiefs not wholly fitted for the dignity of Councillors.” Eventually only eight Chiefs were given the title of Councillor of the Empress. As the Council should, in our opinion, be appointed by the Viceroy, it follows that neither hereditary tenure nor election would be admissible. The members would hold office during the Viceroy’s pleasure, and it would be at his discretion to consult any of them, individually or collectively, as he might think fit from time to time.

10. *Subjects for discussion*—There is abundant evidence in the opinions that have come before us of the existence of a strong feeling that the Council ought to be given some power of initiative, and that their discussions should not be strictly limited to matters formally referred to them. This view appears to us natural and reasonable, and we recommend that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the Viceroy to grant such a request. We do not, however, think it desirable in announcing the creation of the Council to enumerate by way of catalogue the subjects to be referred to it. Such an enumeration would, on the one hand, tend to limit consultation, while on the other it might lead to the Council being overburdened at starting with a list of subjects, some of which did not call for immediate consideration. We have little doubt that questions will arise from time to time the disposal of which will be materially facilitated by the deliberations of such a Council as we contemplate. We do not think it advisable to define the scope of consultation more precisely, and for the present, at any rate, we would leave the whole matter to the unfettered discretion of the Viceroy.

11. *Meetings and procedure.*—For much the same reasons it does not appear to us to be necessary, until further experience has been gained of the actual working of the Council, to determine whether it should meet periodically, and, if so, at what intervals. That will obviously depend partly upon the amount of business to be brought before the Council, and partly on the question whether the nature of the business is such as to call for personal and collective discussion, or whether it can more conveniently be dealt with by means of correspondence. It is true that the opinions on the subject, both those of the Chiefs and those sent up by local Governments, are in general agreement that the Council should meet once a year at least. It has, however, been pointed out by several critics that the expense of assembling the Council would be considerable, and could not fairly be charged either on the taxpayers of British India or on those of the Native States. We observe, moreover, that some of the more important Chiefs dislike the idea of collective consultation, that they hint at difficulties of precedence among themselves, and that they evidently consider free discussion to be only possible among equals. These Chiefs express a preference for consultation by letter, or for the appointment of certain Chiefs to offer advice when they think it necessary. They do not wish to be invited to attend meetings, both for the personal reasons already suggested, and because of the expense and inconvenience and the interruption of their regular administrative work. It appears to us that there is much force in these objections. We believe, however, that they might be got over by holding a meeting in the first instance for the purpose of inaugurating the Council, and of giving opportunity for an informal interchange of views, and then conducting the business of the Council by means of correspondence, unless some occasion should render it desirable to call together the entire body. In our opinion the proceedings of the Council when invited to assemble for collective consultation should ordinarily be confidential; but it would rest with the Viceroy after consultation with the Council to cause a statement of the subjects discussed and the decisions arrived at to be published.

PROVINCIAL ADVISORY COUNCILS.

12. *The Government of India's original proposal.*—In our letter of the 24th August 1907, we suggested that the various Provincial Governments should, when the local conditions admit, be furnished with a selected body of advisers, whom they would consult upon all measures of importance affecting the populations committed to their charge. These Provincial Councils were to be of smaller size than the Imperial Council then contemplated, but their membership was to be large enough to embrace all interests of sufficient importance to claim representation on such a body. The greater and smaller landholders, industry, commerce, capital, and the professional classes were to be included in the Council; and it was observed that the association of non-official Europeans, standing for these important interests, with the natural leaders of Indian society in common consultation on matters of public importance would tend to promote a better understanding, and to clear away on both sides injurious prejudices and misconceptions. Each local Government was to be at liberty to consult its Advisory Council, either individually or collectively, in regard to any provincial question.

13. *Views of local Governments.*—The replies of local Governments are not unanimous, but on the whole they are in favour of the proposal. The Government of Bombay approve of the general idea, but consider that the practical success of the Council must depend on the personal weight and influence of its members, each of whom should, as far as possible, represent some important class or interest. Their number should not exceed 20; all should be nominated for three years; and the Council should elect its own President in the absence of the Governor. A separate Council of not more than five members should be appointed for Sind. The Lieutenant-Governor of Bengal proposes a Council of about 30 members representing large and small landholders, Feudatory Chiefs, European and Indian Commerce, tea and indigo, the professions, the University, the district boards and the municipalities. The Lieutenant-Governor of the United Provinces suggests that the Council should consist of 35 nominated members, including representatives of the province on the Imperial Council, and four elected members of the Provincial Legislative Council, the balance being made up by representatives of land, industry, commerce, the planting community, the professional classes, and educational and religious interests. The Council should be free to choose its own President and Secretary, and should conduct its deliberations in the absence of any Government official. The Lieutenant-Governor of Burma approves of the scheme as a general measure of policy, but considers that the province is not yet ripe for such a measure. The Lieutenant-Governor of Eastern Bengal and Assam thinks it doubtful whether a Provincial Advisory Council could be easily got together owing to the expense and labour of attending meetings. He suggests a Council composed of the members of the Legislative Council and representatives of other interests, including members elected by the District Advisory Councils which he thinks should be formed. The Lieutenant-Governor of the Punjab dwells on the difficulty of finding suitable men for an Advisory Council and a Legislative Council and observes that if, for the sake of uniformity, it is necessary to have an Advisory Council in the Punjab, its number should be the smallest compatible with adequate representation of the main creeds, classes and interests. He considers that five or at the most seven Councillors would be sufficient. The Chief Commissioner of the Central Provinces proposes a Council of 25, comprising 8 members elected by district boards and large municipalities, 6 members nominated to represent the commercial classes and minorities, and 11 official members. The Madras Government criticise the published scheme on the grounds stated at length in their letter of 13th March, and, instead of creating a Provincial Advisory Council, propose to consult the non-official members of their Legislative Council informally when they require advice. In regard to the question whether the proceedings of the Council should be strictly private and confidential, or whether some provision should be made for public conferences, we find few definite expressions of the opinion of local Governments. The Governments of Eastern Bengal and the United Provinces appear to contemplate giving a certain amount of publicity to the proceedings of the comparatively large

Councils which they propose, and the Government of Bombay, though they propose a relatively small Council, do not suggest that its proceedings should necessarily be confidential. On the other hand, the Lieutenant-Governor of Bengal advises that the proceedings should be "informal, private, and confidential," while for the Punjab a small confidential Council is proposed.

14. *Views of other persons.*—The opinions before us from other persons are beyond doubt in favour of the creation of some form of Provincial Advisory Council, in order to bring the people more closely into touch with local Governments. There is, however, considerable diversity of opinion as to the size and constitution of the proposed Council. Suggestions vary from a small Council of not less than 10 representing land, commerce, the professions, and retired officials, to larger bodies of 50, 60 or 80 members partly elected and partly nominated. Generally speaking, the tendency of the professional middle class is to propose a rather large statutory Council, wholly or partly elected so as to represent a variety of interests, holding public sittings at regular intervals, and exercising extensive legal powers which would include an unlimited initiative, power to ask questions and to call for information and papers, and an absolute or suspensory vote on Government proposals. The landholders are mainly concerned with securing adequate or preponderant representation for themselves, but many of them make much the same proposals as the professional class. The Maharaja of Benares puts forward the suggestion, which has been adopted by the United Provinces Government, that the Council should have its own President and Secretary; Sir Faiyaz Ali Khan proposes an elected Council; the Raja of Malabar pleads for legal recognition, periodical meetings, public discussion, and election of members. The British Indian Association advocate district representation, power of initiating questions, and publication of opinions. The Muhammadan opinions are almost unanimous in desiring a Council, but differ as to its composition. Some ask for large Councils on which each district would have a representative; others propose smaller bodies with 25 or 30 members. Several writers suggest that religious interests should be specially represented. Among the Muhammadans of the Punjab the best opinion accepts a small Council of six or seven members as appropriate.

15. *Final recommendations of Government of India.*—The demand for Advisory Councils of large size, and for opportunities of public debate, appears to us to have its origin mainly in the feeling, which has been generally expressed, that there ought to be greater facilities for the discussion of public measures than now exist. We recognise the force of this claim, but we think that it should be met rather by extending the powers of the existing Legislative Councils than by setting up large rival Councils which must to some extent conflict with them. In the recommendations which we shall presently submit to Your Lordship in regard to the Legislative Councils we have suggested the removal of the restrictions which now prevent debate on matters which are not before the Council in the form of legislation, and we believe that this change should satisfy those who ask for large Advisory Councils for the reason given above. But the question remains whether it would not be of advantage for the Head of a local Government to have a small body of Councillors to whom he could turn for advice before his policy was definitely shaped, or whom he could use as a channel of communication with the public in matters which could not conveniently be brought before the Legislative Council. Beyond doubt the bulk of opinion is in favour of the formation of some consultative body, and we recommend that Advisory Councils of the character indicated above should be constituted in those Provinces in which the Head of the Government is of opinion that they would be of service. Conditions vary, and we would not compel any local Government to make what, after all, can only be an experiment, unless local conditions were held to warrant it. But we believe that such Councils, if wisely directed, might become of marked value in some provinces. They would provide a means of obtaining advice both on proposals for legislation and on administrative questions, and of conveying information as to the intentions and motives of Government, and further they would be a visible sign of the desire of the Government to take the best minds in the province into their confidence. It is, however, in our opinion, essential that such Councils should be limited in size and that the decision as to their numbers should rest with the Government of India. The reason for this is plain; the effect of any departure from the standard model

would not be confined to a single province, but would inevitably affect the administration of other provinces and of India as a whole. The appointment of members would naturally rest with the local Government, and in our judgment the criterion of membership should be distinction of some kind, whether arising from intellectual capacity, personal influence, or representative position. It follows from the fact that the Councils are to be advisory bodies only, that no legislation is required for their creation. We do not propose to attempt any formal enumeration of the subjects with which such Councils should deal. We think it sufficient to say that the Council should consider matters referred to it by the head of the Government, but that any member should have power at any time to ask that a question be referred to the Council. It would of course be entirely in the discretion of the head of the Government to decline to refer a particular question to the Council. We are of opinion that a record should in all cases be kept of the subjects discussed and of the conclusions arrived at, and that it should rest with the head of the Government to determine in consultation with the Council whether and in what form a statement of the views of the Council should be published.

THE IMPERIAL LEGISLATIVE COUNCIL.

16. The history of the various stages by which the Imperial Legislative Council has developed into its present form is given in Sir Courtenay Ilbert's *Government of India* and need not be repeated here. Under the law and rules at present in force the Council stands thus :—

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council ...	8
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Additional.

A.—Nominated members ; not more than 6 to be officials ; the non-officials to be nominated with reference to legislative business or to represent interests ...	11
B.—Elected members— ...	5
(a) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces ...	4
(b) by the Calcutta Chamber of Commerce ...	1

Total ...	24
or, including His Excellency the Viceroy ...	25

17. In our letter of 24th August 1907 we suggested that effect might be given to the principle of the representation of classes and interests by means of a Council constituted in the following manner :—

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief, and the members of Executive Council ...	8
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Additional.

A.—Nominated members ; not more than 20 to be officials ; of the non-officials, one to be a Ruling Chief ; four to represent minorities or special interests, not less than two being Muhammadans ; and two, when necessary, to be experts nominated for special purposes ...	27
B.—Elected members— ...	18
(a) by the Chambers of Commerce of Calcutta and Bombay ...	2
(b) by the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma ...	7
(c) by the nobles and the great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces ...	7
(d) by Muhammadans ...	2

Total ...	53
or, including His Excellency the Viceroy ...	54

18. *Principle of representation.*—We have carefully considered the proposals of local Governments on the subject and the large body of non-official opinions submitted. In our judgment these papers bear out to the fullest extent the conclusion that representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils. A great array of authorities may be cited in support of this opinion. Twenty years ago, in the course of the discussions leading up to the report of Sir George Chesney's Committee, Mr. (now Lord) MacDonnell, then Home Secretary to Lord Dufferin's Government, said in a note which was forwarded to the India Office: "The process of modifying the existing constitution of the Councils should proceed on a clear recognition and firm grasp of the fact that India is a congeries of races, nationalities, and creeds, widely differing *inter se* in a variety of ways." On the same occasion Sir George Chesney expressed similar views, and Sir Charles Aitchison observed that "the division of the people into creeds, castes, and sects with varying and conflicting interests" rendered representation in the European sense an obvious impossibility. A passage in Lord Dufferin's Minute annexed to the Government of India's Despatch of the 6th November 1888 describes the population of India as "composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them are still further separated from one another by discordant prejudices, by conflicting social usages, and even antagonistic material interests." This opinion is not confined to Englishmen, but is shared by competent Indian observers at the present day. In a recent address to a modern political association on the duty of patriotic Indians, His Highness the Aga Khan has given emphatic expression to similar sentiments. "In India," he says, "no such union as is essential to the creation of a strong, independent, homogeneous state is possible without centuries of consolidation. Even if we assume that the forces tending to unification are quickened by the machinery of modern civilisation, generations must pass before India is a nation. In very truth we can detect no signs of the advent of that unity which is the first essential to the creation of a modern State."

19. These views receive striking independent confirmation from the debates in Parliament on the Indian Councils Bill which became law in 1892. In the Upper House Lord Ripon referred to the extreme difficulty of "selecting men who represented the various classes of the community, and the various sections of opinion, as well as the various localities of India". Lord Kimberley said—"the notion of a Parliamentary representation of so vast a country—almost as large as Europe—containing so large a number of different races is one of the wildest imaginations that ever entered the minds of men." He went on to emphasise the necessity of ascertaining the feelings of "a most important body.....the Muhammadans of India. If you were to be guided entirely by the Hindu popular opinion you would find yourself in great difficulty." Lord Northbrook considered that provision should be made "for the representation of different classes of people—people of different races and different religions." In a later stage of the discussion Lord Kimberley agreed with Lord Northbrook, and observed—"It has been found in this country not very easy to protect the interests of minorities by any contrivance that can be devised; but there must be found some mode in India of seeing that minorities such as the important body of Muhammadans, who are frequently in a minority in parts of that country, are fully represented." In the House of Commons the weightiest utterance was that of Mr. Gladstone, who referred to the difficulty of introducing the elective principle "in an Asiatic country like India with its ancient civilisation, with institutions so peculiar, with such diversities of races, religions and pursuits." He also drew attention to "the danger of having persons who represent particular cliques of classes or interests, and who may claim the honour of representing the people of India," thus anticipating the observation, now made by the Bombay Government, that "the educated classes, although a very small minority, appear to claim to represent the interests of all sections of the people, and are inclined to oppose any measures which appear likely to lessen their influence." Mr. Samuel Smith spoke of "the endless shades of caste, race, and religion in India"; Sir William Plowden and Sir Richard Temple followed in the same strain; and the latter

observed that "in fixing the ratio of members, the interests to be represented, and the classes which constitute the bulk of the people, ought to be the determining factors rather than the population."

20. To the principle thus affirmed by both Houses of Parliament Lord Lansdowne's Government endeavoured to give as wide a scope, as was then possible, in the regulations framed by them for the constitution of the Provincial Legislative Councils. In the letters addressed by them to local Governments on the 15th August 1892, they enumerated the interests which seemed to be of sufficient importance to require representation, and indicated the manner in which the seats to be filled by recommendation should be allotted so as to secure the object in view. The question of the direct representation of those interests on the Imperial Legislative Council did not at that time arise, as it was believed that the non-official members of the Provincial Legislative Councils, as reconstituted under the regulations then about to be made, would form a sufficiently wide electorate for the Supreme Council. This electorate, however, while it has worked advantageously in the case of one class, can hardly be said to have afforded proportionate representation to the other interests concerned. Of the non-official members elected to the Imperial Council since 1893, 45 per cent. have belonged to the professional middle class; the landholders have obtained 27 per cent. of the seats, and the Muhammadans only 12 per cent.; while the Indian mercantile community, a large and increasingly important body, have had no representative at all. The advance of English education, and the demand of influential classes and interests for representation on a more ample scale, now render it necessary to examine the whole subject in the light of the experience of the last fifteen years, and to treat it on more liberal and comprehensive lines than we have hitherto been able to follow. With the enlargement of the Imperial Council it ceases to be possible to rely exclusively upon a single source of recruitment. New constituencies must be formed, and in framing them we have to consider what sections of the population can properly claim representation for British India as a whole. With due regard for the limitations of a purely numerical test, we would refer to the following statistics of communities, interests, and adult male persons who can read and write, as indicating in a general way the main factors which enter into the problem. The figures are taken from the Census of 1901 and relate to British India only.

Communities.

					Number.	Per cent.
Hindus	...	...	...	...	158,601,000	68
Muhammadans	...	...	...	...	53,804,000	23
Buddhists	...	...	...	...	9,411,000	4
Christians	...	...	...	...	1,904,000	·81
Sikhs ...	...	...	...	...	1,574,000	·67
Jains ...	...	...	...	...	479,000	·20

Interests.

Agriculture	...	...	...	...	155,678,000	67·1
Commerce and Industry	...	...	...	...	38,302,000	16·5
Professions	...	...	...	...	3,871,000	1·6

Adult Males.

Literate in English	...	...	...	...	625,000	1
Literate in Vernacular	...	...	...	...	8,616,000	14

21. Starting from these data, and bearing in mind the principles laid down by Parliament in 1892 for the guidance of Lord Lansdowne's Government, we propose that the Imperial Legislative Council should be constituted as follows :—

A. <i>Ex-officio</i> members ...	...	...	...	...	8
B. Officials representing provinces ...	...	...	...	...	8
C. Nominated members; not more than 15 to be officials; the non-officials to be representatives of minorities or special interests, or experts ...	...	...	...	...	18
*D. Elected members—	...	...	...	...	28
†(a) By the Provincial Legislative Councils and by the Advisory Council of the Central Provinces ...	...	...	...	...	12
(b) By the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces ...	...	...	...	...	7
(c) By Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and (alternately) Madras and Bombay ...	...	...	...	...	5
(d) By Chambers of Commerce of Calcutta and Bombay ...	...	...	...	...	2
‡(e) By representatives of Indian commerce ...	...	...	...	...	2
Total ...					62
or, including His Excellency the Viceroy ...					63

The Council, when assembled in full strength, would be composed (excluding the Viceroy) of 31 officials and the same number of non-officials, so that His Excellency would only be called upon to vote in the event of the Council being equally divided. Our reasons for the constitution which we propose are stated in detail in the following paragraphs.

22. *Enlargement of the Council.*—In our letter of 24th August 1907 we suggested that the size of the Council should be more than doubled. Among local Governments, Bengal, the United Provinces, and Burma approve of the proposal and make suggestions tending to raise the number still further. The Chief Commissioner of the Central Provinces is alarmed at the demand for additional official members, and throws out the suggestion that their number might be reduced by giving each official vote a double value. Most of the opinions forwarded favour enlargement, and a number of persons either propose a number in excess of 54, or make suggestions for the representation of particular interests which necessarily involve an expansion of the Council beyond that limit. We are impressed with the unanimity of the feeling in favour of a large Council, and we consider that the rise in the standard of general intelligence, and the universal desire for a greater share in the management of public business, render an increase inevitable and desirable. In view of the various classes and interests which claim representation, we find it impossible to propose a smaller number than 62 or, including His Excellency the Viceroy, 63.

23. *Power to create an official majority.*—The principle of an official majority was accepted by His Majesty's Government in the correspondence which took place last year, and was embodied, with their authority, in our letter of 24th August 1907. We can discover nothing in the present correspondence that would justify us in proposing its surrender. It is obvious that under existing constitutional conditions the Government cannot resign; it must be able to settle the budget and procure supplies for the service of the country; and it cannot divest itself of the power to give effect by legislation to the decisions of His Majesty's Government. Those non-officials who approach the subject from its

* Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor-General, in consultation with local Governments, until a method of election can be devised.

practical side clearly realise the anomaly of the Executive Government being placed in a permanent minority. In the scheme submitted to us by the Hon'ble Mr. Gokhale, who may be taken to represent the better informed section of Indian publicists, he carefully guards himself against any such idea. On the Councils outlined by him the Government is "assured of a standing majority behind it" and the head of the Government is further vested with a general veto. He asks only for "a minority—but a respectable minority" of non-official members. In all provinces the opinions which carry most weight, owing to the position of the writers or their experience as members of a Legislative Council, proceed on similar lines; though the strength of the official majorities proposed by them differs slightly, and some suggest that official votes should have a double value, or that the official proposals should prevail and that no cognizance should be taken of the votes. We gladly recognise the moderation and good sense by which these views are inspired. At the same time, in order to avoid the inconvenience and waste of power involved in taking a number of officers away from their ordinary work merely for the purpose of voting on the Government side, we would reduce the official majority to the narrowest limits. Our scheme provides (excluding His Excellency the Viceroy) for 31 official members,—8 *ex-officio*, 8 representing provinces, and 15 appointed from among those officials at the headquarters of Government whose services can be made available without undue interruption of their ordinary duties. In the event of the Council being equally divided so that 31 officials were on one side and 31 non-officials on the other, the Viceroy's vote would turn the scale.

24. *Ordinary constitution of the Council.*—We have stated in the last paragraph our reasons for deeming it essential to retain the power of procuring, in the last resort, the support of a majority of officials in our Legislative Councils. Subject to this essential condition, we are prepared, in the Councils as constituted for ordinary purposes, to make a far larger concession than has as yet been suggested and to dispense with an official majority. We have every hope that the confidence we are willing to place in the intelligence and public spirit of the non-official members will be justified, and that increased responsibility will bring with it the requisite forbearance. We believe that on all ordinary occasions the Government may reckon with practical certainty upon securing sufficient non-official support to enable them to carry on the work of legislation with a Council containing less than the full quota of official members, and we are willing to give this system a fair trial. Our specification of the Council has been framed accordingly. The provision that of the nominated members not more than 15 shall be officials will enable us to dispense with an official majority for ordinary purposes, and we anticipate that it will hardly ever be necessary to appoint so large a number of officials as would secure an absolute official majority. In short, we propose to work normally with a minority, but to reserve power in the last resort to transform it into a majority.

25. *Omission of the Ruling Chief.*—The inclusion of a Ruling Chief in the Imperial Legislative Council proposed last year is objected to by a large number of persons on the ground that it is anomalous that an outsider should take part in making laws by which neither he nor his subjects will be affected, and that in most cases a Chief can know very little about the subjects with which British Indian legislation is concerned. We have considered these arguments, and we recommend that a Ruling Chief should not form an obligatory element of the Council. When there happen to be special reasons for appointing one, it will always be open to His Excellency to appoint him to one of the seats reserved for nomination, where he might at the same time serve the purpose of representing a minority such as the Muhammadan or the Sikh community.

26. *Representation of the professional middle class.*—Our proposal to assign seven seats to the non-official members of the Provincial Councils of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and Burma is accepted by all local Governments except the Punjab, which observes that as the number of non-official members on its Provincial

Council will probably remain small, "it would be difficult, though not of course impossible, to concede to them the right of electing a member for the Imperial Council." This portion of the published scheme has, however, been attacked on the ground that it gives to the professional middle class only three more seats (corresponding to the three additional provinces to be represented) than they now possess. Several suggestions are made for increasing the number by assigning two or more members to each of the Provincial Councils. We have considered these proposals, but we find it impossible to give each of the seven Provincial Councils as many as two members without raising the total strength of the Imperial Council to an extent that would be inconvenient. We recommend, therefore, that the four provinces which will have comparatively large Provincial Councils, namely Madras, Bombay, Bengal and the United Provinces, should be allowed to elect two members, the three provinces with smaller Councils, namely the Punjab, Eastern Bengal and Assam, and Burma getting only one member each. This would raise the number of members elected by Provincial Legislative Councils from seven to eleven, which seems a fair allotment so far as the provinces with Councils are concerned. The case of the Central Provinces has also to be considered. There is at present no Legislative Council in those Provinces, and there are difficulties in forming any kind of suitable electorate. For the present, therefore, we think that some use may legitimately be made of the Advisory Council, and we consider that the representative might be nominated by the Chief Commissioner in consultation with that Council. This is perhaps not a very great advance, but it represents a somewhat nearer approach to election than nomination pure and simple, which appears to be the only practicable alternative.

27. *Representation of landholders.*—The proposal made in our letter of 24th August 1907 that the nobles and great landowners of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab, and the Central Provinces should be represented by seven members, is generally approved by the local Governments, and has been well received by the landholders themselves, and we consider that it gives sufficient representation to the landed interest. The question, however, of the manner in which the members are to be selected is a difficult one, and there is little uniformity in the answers. The Governments of Madras and Bengal propose to form electorates based upon income from land. The United Provinces has a scheme for election proper in Agra, and another for election by associations in Oudh. The Government of Bombay make no suggestion as to the manner in which the representative of the Bombay landowners on the Imperial Council should be selected. The Chief Commissioner of the Central Provinces thinks that the formation of an electorate is impossible, and puts forward a scheme for election by Durbaris combined with nomination. The Lieutenant-Governor of Eastern Bengal and Assam proposes election by an association, and the Lieutenant-Governor of the Punjab is in favour of nomination. Among these conflicting opinions it is impossible for us, with the materials available, to make any definite proposal which would admit of general application, nor is it probable that any uniform system would be feasible throughout India.

28. We may, however, discuss, as briefly as possible, the various suggestions that have been made. Of the proposals put forward in our published letter election by the landholding members of the Provincial Councils is rightly objected to on the ground that the electors, numbering from two to four only, would be likely to differ over the selection of the candidates. Election by a constituency comprising all landholders who pay a certain amount of land revenue, or derive a certain income from land, is approved in principle by most people, though there is some difference of opinion as to the exact sums which should confer the franchise. But doubts are expressed by some Governments and several landholders as to the possibility of working such an electorate over an area so large as an entire province, and the question is one that can only be settled by actual experiment. If the landholders themselves take a real interest in the matter, and are anxious to demonstrate their fitness to exercise the privilege of voting, provinces will compete with each other in devising methods

of election and the best system will in the long run prevail. Meanwhile we may point out that the success of the Calcutta University in organizing the election of Fellows by a large number of graduates scattered all over India furnishes some ground for believing that the difficulties anticipated will not be found insuperable.

29. Where regular electorates cannot be formed, the simplest and most convenient method of selecting members would be to recognise election by associations. This practice has precedent in its favour. It was mentioned with approval in the Parliamentary debates on the Act of 1892, and in one form or another it appears in all of the existing regulations. There are, however, certain possibilities connected with it which may become more serious if the expansion of the Councils and the enlargement of their powers should stimulate the electioneering spirit in India. If election by associations is admitted as the standard means of giving representation to classes, it seems probable that rival associations may claim recognition, and that it may be difficult to decide between them. There is also the danger that an association may be captured by a small ring of politicians; that its original character may be transformed by changing the conditions of membership or by manipulating admissions; or again that the whole organization may exist, as the Hon'ble Malik Umar Haiyat Khan has suggested, "more on paper than in practice." Lastly, where parties are formed within an association, with the result that the validity of an election is disputed and each party charges the other with fraud, it is obvious that the Government would find some difficulty in determining which of two rival candidates should be held to have been elected. For these reasons we consider that the recognition of associations as electoral agencies should be regarded as a provisional arrangement, to be maintained only until the interests which they purport to represent demand the formation of a regular electorate, and succeed in satisfying the Government that this step in advance is practicable. Where there are no representative associations, and electorates cannot be formed, the only possible alternative is to have recourse to nomination until the community have developed sufficiently to be fit for a more independent system. In applying each of these methods regard would be had to local conditions. For instance in the United Provinces the claim of the British Indian Association, which represents the Oudh Talukdars, to elect a member deserves special consideration; but the principle to be borne in mind is that election by the wishes of the people is the ultimate object to be secured, whatever may be the actual machinery adopted for giving effect to it. We are in agreement with most of the landholders who have discussed the subject in considering it essential that in all cases the candidates for election should themselves be members of the electorate.

In framing these proposals we have not lost sight of the fact that the interests of landlords and tenants are by no means identical; that our electorates will consist mainly, if not exclusively, of the former class, and that no means can at present be devised of giving the great body of tenants direct representation on the Legislative Councils. Their interests, however, are in no danger of being overlooked. In the debate in the House of Lords on the 6th March 1890 both Lord Ripon and Lord Kimberley pointed out that when the Bengal Tenancy Act was under discussion in Lord Dufferin's Council "the only representative of the ryots was the Government." Among the official members of the Legislative Councils there will always be some experts in Indian land questions, who will be qualified to represent the views of the cultivators.

30. *Representation of Muhammadans.*—All local Governments approve of the proposals for the special representation of Muhammadans which were made in our letter of 24th August 1907. These proposals are, as a rule, adversely criticised by the Hindus, who regard them as an attempt to set one religion against the other, and thus to create a counterpoise to the influence of the educated middle class. Some Hindus, however, recognise the expediency of giving special representation to the Muhammadan community, and the Bombay Presidency Association, while they object strongly to the creation of a special Muhammadan electorate, make provision in their scheme of a Council for the

election of two members by the Muhammadan community. Notwithstanding their formal protest against the principle of religious representation, the association doubtless realise that the Indian Muhammadans are much more than a religious body. They form, in fact, an absolutely separate community, distinct by marriage, food, and custom, and claiming in many cases to belong to a different race from the Hindus.

The first question is how many seats should be allotted to the Muhammadan community. After carefully considering the demands of the Muhammadans themselves and the views expressed by the Hindus, we think that the claims of the former will be adequately met if four elective seats are assigned to them, and provision is made for a fifth seat being filled by nomination until suitable machinery for election can be devised. The four elective seats should be permanently assigned to the four provinces which have the largest Muhammadan population, namely, Bengal, Eastern Bengal and Assam, the Punjab, and the United Provinces. The fifth seat should be given alternately to Bombay and Madras, where the Muhammadan population is smaller, and for this it will be necessary to have recourse to nomination until satisfactory electorates can be formed.

The question of a Muhammadan electorate presents much the same difficulties as the formation of a landholding electorate. In most provinces the Muhammadans are in favour of election and regard nomination as an inferior method of obtaining admission to the Legislative Council. The Governments of Madras and the United Provinces propose electorates, based partly upon property and partly upon literary qualifications, which appear to us to be well devised, but the former Government have since expressed a preference for nomination. The Muhammadans of Bombay are said to be widely scattered over the Presidency, and at present unorganised for common purposes, so that a special electorate cannot be created. In course of time it may be possible to arrange for election by a central association, but for the present their proportionate representation can be secured only by careful nomination. The Government of Bengal proposes a scheme of a similar character which includes graduates of five years' standing and holders of recognised titles; both of these are doubtful features. The Government of Eastern Bengal and Assam suggests that the Muhammadan representative should be elected by the Provincial Muhammadan Association. The Lieutenant Governor of the Punjab considers it impossible to form a Muhammadan electorate, and proposes that the Muhammadan representative should be nominated by the Lieutenant-Governor. We would deal with the question in the same way as we have proposed to deal with the representation of landholders. Our view is that in provinces where election by a regular Muhammadan electorate is feasible, that method should be adopted; that Muhammadan associations should be made use of where electorates cannot be formed; and that nomination by Government should be resorted to where neither of the first two methods is practicable. It will be for the local Government to determine, in consultation with the leaders of the Muhammadan community, which plan should be adopted.

31. *Representation of commerce.*—In the scheme put forward by us in August 1907 two seats on the Council were assigned to the Chambers of Commerce of Calcutta and Bombay. No provision was made for the representation of Indian commerce otherwise than by nomination. The opinions show that there is a general feeling in favour of increasing the number of commercial representatives. It is difficult, however, to find room for more than four such members, and it is doubtful whether merchants not residing in Calcutta will be willing to leave their own business to attend meetings of the Legislative Council. Taking four seats as the maximum that can be permanently allotted, we propose—

- (1) that two seats should be given to the Chambers of Commerce of Calcutta and Bombay as representing in the largest sense European commerce throughout the whole of India ;
- (2) that two seats should be reserved for Indian commerce, the members to be nominated by the Governor General, in consultation with local Governments, until a method of election by commercial associations is developed.

It may be said that the first proposal excludes from representation the European commercial interests of Burma, Madras, Upper India, Sind and the Punjab. On the other hand, the figures noted in the margin show how enormously the commercial interests of Bengal and

Value of sea-borne trade in 1907-08.

				Rs.
Bengal	...	...	...	1,64,84,29 000
Bombay	...	...	...	1,67,53,10 0 0
Sind	...	...	...	42,65,26,0 10
Madras	...	...	...	43,70 37,000
Burma	...	...	...	63 55 69 000
Eastern Bengal and Assam	...	...	...	7,24,49,000

Bombay preponderate over those of the other provinces. It may be added that the Chambers of Commerce of Calcutta and Bombay will naturally receive references from the other Chambers on subjects affecting European commercial interests, and will arrange to have them brought to the notice of the Council by their own members; that representatives of the other Chambers can be brought in by nomination as experts or in the place of officials; and that all of these bodies will recommend members for the Provincial Councils who will bring forward their views in the debates on the Budget. None of the local Governments suggest any practicable arrangement for the representation of Indian commerce by means of election, but we are disposed to think that if two permanent seats are assigned to that interest, associations will in course of time be formed which will be sufficiently stable and representative to admit of their being utilised as electoral agencies.

32. *Seats reserved for nomination.*—We have explained above our reasons for recommending that the full Council should comprise not more than 15 nominated officials, exclusive of the additional officials required for the purpose of representing the provinces. We find it impossible, without increasing the size of the Council, to assign more than three seats to nominated non officials. This number, however, appears to us sufficient to enable the Governor-General to give occasional representation to the interests of minorities such as the Sikhs, the Parsis, the Indian Christians, the Buddhists, and the domiciled community, and sometimes to appoint one or two experts in connexion with legislation pending before the Council. It may reasonably be expected that some, at least, of these minorities will obtain seats by the ordinary process of election, while the others need only be represented at intervals. It must also be remembered that although 15 nominated officials are provided for under head C, so as to guarantee in the last resort an absolute official majority, it will scarcely ever be necessary to appoint more than about six, and it may sometimes be possible to nominate non-officials to some of the seats reserved for officials.* When we give power we create responsibility, and a solid opposition of all non-official members will not be so lightly undertaken in the larger Council of the future as in the smaller Council of the past, where such opposition made no possible difference to the result.

PROVINCIAL LEGISLATIVE COUNCILS.

33. In our letter of the 24th August 1907, no specific scheme of a Provincial Council was put forward, but the general principle was laid down that the widest representation should be given to classes, races, and interests, subject to the condition that an official majority must be maintained. These principles have been borne in mind by local Governments in the proposals which they have made, except that the Bombay Government desire to have no majority even in a Council of the maximum strength.

34. *General remarks*—In framing proposals for the constitution of the Provincial Legislative Councils we have proceeded on the lines followed in the case of the Imperial Legislative Council. We have endeavoured to reduce the official majority to the narrowest limits by making the number of officials and non-officials (excluding the head of the Government) equal, so that, in the event of the full Council being equally divided, the vote of the Governor or Lieutenant-Governor would turn the scale. We have also laid down that of the nominated members not more than a certain number shall be officials; the non-officials being representatives of minorities or special interests, or experts. This will enable the head of the Government to dispense with an official majority in the Council as ordinarily constituted, while at the same time retaining in his hands the power to appoint the entire number of officials requisite to secure a majority of one in the

full Council. We trust, however, that the closer association of officials with non-officials in public business, which will result from our proposals, will render it unnecessary to have recourse to this expedient. It may reasonably be anticipated that in the newly constituted Councils only as many officials need be appointed as will be sufficient, in conjunction with three or four non-officials, to enable the Government to carry their legislative measures. We have made no attempt to frame regular constituencies for the election of landholders, Muhammadans, and representatives of Indian commerce. The materials before us are insufficient for the purpose, and the conditions in different provinces vary too much for any uniform plan to be feasible. Some Governments may be able to form electorates based upon payment of land revenue or income-tax or upon the income derived from land; others may permit associations to recommend members; and others again may have recourse to nomination. It must be understood, therefore, that in describing certain classes of members as "elected" we use that term subject to the reservation that in some cases election in the ordinary sense may be found impossible or inexpedient. In any case the question to what extent election proper can be introduced will have to be considered further when the regulations are being drawn up, after the Act of 1892 has been amended. With these general observations, which apply to all of the Provincial Legislative Councils proposed by us except the Council for Burma, we proceed to state our proposals for Councils of the maximum strength for each province.

MADRAS.

35. Under the rules at present in force the Madras Legislative Council stands thus :—

Ex-officio.

Members of the Executive Council	...	...	...	...	2
Advocate General	...	...	...	...	1

Additional.

A.—Nominated members, not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 <i>pesh kash</i> annually					...	...	13
B.—Elected members—					...	...	7
(a) by Corporation of Madras	...	...	...	...	...	1	
(b) by Municipalities and District Boards	...	...	...	...	...	4	
(c) by the University	...	...	...	...	...	1	
(d) by the Chamber of Commerce, or other commercial bodies	...	...	...	...	...	1	
					Total		23
					or, including the Governor		24

The statistics from 1893 to 1906 show the professional middle class holding 66·6 of the selected seats; the landholders 5·5; European commercial members 24·1; and the representatives of Indian Commerce 1·9. No Muhammadan has succeeded in obtaining a seat by election; and throughout the period the members elected by the district boards and municipalities have belonged, with one exception, to the professional middle class. The communities and

interests for which provision ought to be made in any comprehensive scheme of representation are the following :—

Communities.

				Number.	Per cent.
Hindus	...	...	...	34,048,000'	89
Muhammadans	...	...	...	2,457,000	6
Christians	...	...	...	1,024,000	2 7

Interests.

Agriculture	...	...	...	26,356,000	69
Commerce and Industry	...	...	...	6,998,000	18
Professions	...	...	...	620,000	1·6

Adult Males.

Literate in English	...	...	...	117,000	1·2
Literate in Vernacular	...	...	...	1,587,000	16·5

36. In their letter of 13th March 1908, after discussing certain alternative schemes, the Madras Government proposed a Council of only 33 members, which was too small for the needs of the province, and was open to the further objections that it gave insufficient representation to the professional middle class; that it assigned no separate seats to the landholders, and only one seat to the Muhammadans; that it made no provision for Indian commerce; and that it reserved two seats for election by two General Assemblies similar to the representative assemblies of Mysore and Travancore, on a plan which the local Government have since abandoned. In their letter of the 22nd August the Government of Madras have now put forward the following plan of a Council :—

Ex-officio.

Members of the Executive Council	...	...	...	2
Advocate General	...	...	...	1

Additional.

A. Nominated members not more than 18 to be officials : the non-officials to be representatives of special interests or minorities or experts	...	...	...	21
B. Elected members...	...	...	...	17
(a) By Corporation of Madras	...	...	...	1
(b) By municipalities and District Boards	...	...	...	8
(c) By the University	...	...	...	1
(d) By landholders	...	...	...	4
(e) By Muhammadans	...	...	...	2
(f) By the Chamber of Commerce	...	...	...	1
			Total	41
or, including the Governor	...	...	...	42

37. We recognise that this Council is framed on more liberal lines than that originally contemplated, but it is still defective in that it makes no provision for the representation of Indian Commerce and the planting community by election. It also provides for a somewhat larger official majority than is really necessary. The Madras Government explain that they find it difficult to procure an official vote of more than 19 Members including the Advocate General. They have, however, not realised that the full official majority will only be required on rare occasions, so that the inconvenience and dislocation of public

business which they anticipate will not be experienced in practice. We are decidedly of opinion that the Councils of the four larger provinces should be formed on uniform lines, and after careful consideration of the local requirements we think that the total should be fixed at 46. We therefore recommend that the Madras Government should be required to enlarge their Council to a total of 46, excluding the Governor, as shown below:—

<i>Ex-officio.</i>				
Members of the Executive Council	...	...	...	2
Advocate General	...	...	...	1
<i>Additional.</i>				
A.—Nominated members ; not more than 20 to be officials : the non-officials to be representatives of special interests or minorities or experts	...	...	...	24
B.—Elected members—	...	...	...	19
(a) By Corporation of Madras	...	...	...	1
(b) By municipalities and District Boards	...	...	...	8
(c) By the University	...	...	...	1
(d) By landholders	...	...	...	4
(e) By the planting community	...	...	...	1
(f) By Muhammadans	...	...	...	2
(g) By the Chamber of Commerce	...	...	...	1
(h) By the Indian commercial community	...	...	...	1
Total				46
or, including the Governor	...	...	...	47

This scheme gives twice as many elected members as were originally proposed by the Madras Government; it raises the representation of the professional middle class from 6 to 10; it gives 5 elective seats to the landholders and planters and 2 to the Muhammadans; and it provides a separate member for the Indian commercial community.

BOMBAY.

38. Under the Act of 1892 and the regulations now in force the Bombay Legislative Council is constituted as follows:—

<i>Ex-officio.</i>				
Members of the Executive Council	...	...	...	2
Advocate General	...	...	...	1
<i>Additional.</i>				
A.—Nominated members, not more than 9 to be officials ; the non-officials to represent different classes of the community	...	...	...	12
B.—Elected members—	...	...	...	8
(a) by Corporation of Bombay	...	...	...	1
(b) by Municipalities*	...	...	...	1
(c) by District Boards*	...	...	...	2
(d) by Bombay University	...	...	...	1
(e) by Sardars of the Deccan and Zamindars of Sind	...	...	...	2
(f) by Bombay Chamber of Commerce, or other commercial bodies	...	...	...	1
Total				23
or, including the Governor	...	...	...	24

* Voting by electoral representatives on a population scale.

Including the Governor, this provides for an official majority of 13 officials against 11 non-officials. But, as is shown in paragraph 14 of the Bombay Government's letter, the present Council consists of 10 officials (including the Governor)

and 14 non-officials. For all ordinary purposes this is safe enough, as the Government can probably reckon with certainty on some non-official support. Two non-official votes would be sufficient to equalise the numbers on either side, and the Governor's casting vote would then be decisive. Writing in 1906, Lord Lamington mentioned as defects in the composition of the present Council (a) the over-representation of Bombay city; (b) the over-representation of the professional class; (c) the under-representation of land and agriculture; (d) the preponderance of Brahmans, whose interests were not identical with those of the mass of the Marathas and other castes. The local Government expressed a similar opinion in 1899 when reporting on the working of the regulations made under the Act of 1892. The statistics from 1893 to 1906 shew that the professional middle class obtained 50·7 per cent. of the elective seats; the landholders 22·6; the Muhammadans 11·3; and Indian Commerce 2·8. The chief component elements of the population are as follows :—

<i>Communities.</i>				Number.	Per cent.
Hindus	...	...	...	14,197,000	77
Muhammadans	...	...	..	3,726,000	20
Christians	...	...	...	205,000	1
Jains	...	...	...	227,000	1
<i>Interests.</i>					
Agriculture	...	..	...	11,026,000	59
Commerce and Industry	...	...	...	3,715,000	20
Professions	...	...	...	323,000	1·7
<i>Adult Males.</i>					
Literate in English	...	...	...	91,000	1·8
Literate in Vernacular	...	...	...	747,000	14·9

39 The Government of Bombay put forward two alternative schemes, a smaller one and a larger one. The smaller, which has the support of a majority of the local Executive Council, is as follows :—

Ex-officio.

Members of the Executive Council	...	...	...	2
Advocate General	...	...	...	1

Additional.

A—Nominated members; not more than 9 to be officials; the non-officials to be representatives of special interests or minorities, or experts				...	...	24
B.—Elected members—				...	...	17
(a) by Corporation of Bombay				...	...	1
(b) by Municipalities				...	...	4
(c) by District Boards				...	...	4
(d) by the University				...	...	1
(e) by landholders				...	...	3
(f) by Bombay Chamber of Commerce				...	...	1
(g) by Karachi Chamber of Commerce				...	...	1
(h) by Mill-owners' Associations of Bombay and Ahmedabad alternately				...	...	1
(i) by Indian commercial community				...	...	1
Total				...	...	44
or, including the Governor				...	...	45

The advantages of this scheme are :—

- (1) That it gives adequate representation to European commerce, restores to the Karachi Chamber the seat taken away from it in 1896 (not, as the Bombay Government incorrectly say, in 1892), and admits the claim of the mill industry to distinct recognition.
- (2) That it gives Indian commerce one member, to be elected by an association of native merchants.
- (3) That it assigns eight seats to the professional middle class through the district boards and municipalities, in addition to the members for the University and Corporation, so that this class will get ten out of seventeen elective seats, and may get more by nomination.
- (4) That it gives three seats to the landholders.

On the other hand it has two conspicuous defects :—

- (a) It provides (including the Governor) for only 13 official members, 4 ex-officio and 9 nominated and thus leaves the Government in a substantial minority.
- (b) It assigns no separate seats to the Muhammadans.

40. For these reasons we recommend that the Bombay scheme be modified as follows :—

<i>Ex-officio.</i>					
Members of Executive Council	...	...	...	...	2
Advocate General	...	...	...	...	1
<i>Additional.</i>					
A.—Nominated members; not more than 20 to be officials : the non-officials to be representatives of special interests or minorities or experts					23
B.—Elected members—	...	...	...	...	20
(a) by Corporation of Bombay	...	...	...	...	1
(b) by Municipalities	...	...	...	...	4
(c) by District Boards	...	...	...	...	4
(d) by the University	...	...	...	...	1
(e) by landholders	...	...	...	...	3
(f) by Muhammadans	...	...	...	...	3
(g) by Bombay Chamber of Commerce	...	...	...	...	1
(h) by Karachi Chamber of Commerce	...	...	...	...	1
(i) by Millowners' Associations of Bombay and Ahmedabad alternately	...	...	...	...	1
(j) by Indian commercial community	...	...	...	...	1
Total					46
or, including the Governor	...	...	...	...	47

It will be observed that the provision made by us for the appointment of nominated members under head A of our scheme leaves it open to the Bombay Government to dispense with an official majority if they consider that they can carry on the business of the Council without one. As regards Muhammadans, the opinions sent up by the Bombay Government seem to indicate that nothing but separate representation will satisfy the community, and that they resent the idea of nomination. We accordingly recommend that the Muhammadans should be given three seats, as proposed above, one for Sind and two for the Presidency; and that the Bombay Government should be asked to consider whether an electorate can be formed, or if that is not possible, whether associations can be utilised for the purpose of proposing members for nomination by the Governor. We would further observe that our proposals are more liberal than those made by the Bombay Government, since they raise the number of elected members from 17 to 20. We do not think it necessary to discuss the second Bombay scheme, which has the support of only one member of the local Government.

BENGAL.

41. The Bengal Legislative Council now stands thus :—

A.—Nominated members ; not more than 10 to be officials, the non-officials to represent different classes of the community					13
B.—Elected members—					7
(a) by Corporation of Calcutta	...	...	...	...	1
(b) by Municipalities (by rotation)	...	...	...	...	1
(c) by District Boards (by rotation)	...	...	...	...	2
(d) by the University...	...	...	...	...	1
(e) by Landholders' Associations	...	...	...	...	1
(f) by Chamber of Commerce or other commercial bodies	...	...	...	...	1
Total					20
or, including the Lieutenant-Governor					21

The statistics from 1893 to 1906 show that 52·8 per cent. of the elected members have been drawn from the professional middle class, 13·2 from the landholders; 5·7 from the Muhammadans; 20·8 from the European commercial community; and 3·8 from the representatives of Indian commerce. The chief elements of the population are :—

Communities.

	Number.	Per cent.
Hindus	39,266,000	77
Muhammadans	9,027,000	18
Christians	246,000	·5

Interests.

Agriculture	34,264,000	67
Commerce and Industry	7,048,000	13·8
Professions	856,000	1·6

Adult males.

Literate in English	176,000	1·4
Literate in Vernacular	1,906,000	14·9

42. The Lieutenant-Governor proposes a Council constituted as follows :—

A.—Nominated members ; not more than 18 to be officials; the non-officials to be representatives of special interests or minorities, or experts					22
B.—Elected members—					14
(a) by Corporation of Calcutta	...	...	...	...	1
(b) by Municipalities and District Boards	...	...	...	...	7
(c) by the University	...	...	...	...	1
(d) by landholders	...	...	...	...	2
(e) by the Chamber of Commerce	...	...	...	...	1
(f) by the Calcutta Trades Association	...	...	...	...	1
(g) by the Indian commercial community	...	...	...	...	1
Total					36
or, including the Lieutenant-Governor					37

The scheme is almost identical with that propounded by the British Indian Association in their letter of 10th December 1907. Its weak points appear to us to be:—

- (1) That the Council suggested is too small.
- (2) That it gives insufficient representation to the educated classes.
- (3) That it gives too few seats to the landholders.
- (4) That it refuses separate representation to the Muhammadans.
- (5) That it assigns too few seats to European Commerce, and does not provide for the representation of the planting community.

43. Our Hon'ble colleague Sir Edward Baker was in general agreement with these criticisms on the local Government's scheme. After considering the views of the Lieutenant-Governor, we propose the following constitution:—

A.—Nominated members not more than 23 to be officials. the non-officials to be representatives of special interests or minorities or experts						26
B.—Elected members						20
(a) by Corporation of Calcutta	...	...	...	...	...	1
(b) by Municipalities	...	...	...	...	...	4
(c) by District Boards	...	...	...	...	...	4
(d) by the University	...	...	...	...	...	1
(e) by landholders	...	...	...	...	...	4
(f) by the planting community	...	...	...	...	...	1
(g) by Muhammadans	...	...	...	...	...	2
(h) by the Chamber of Commerce	...	...	...	...	...	1
(i) by the Calcutta Trades Association	...	...	...	...	...	1
(j) by the Indian commercial community	...	...	...	...	...	1
Total						46
or, including the Lieutenant-Governor						47

We believe this Council to be large enough to meet the requirements of the province, the population of which exceeds that of the United Provinces by only three millions. The Council suggested by us gives ten seats to the professional middle class, five to the landholders, including one for the planting community, who at the present time have vital interests at stake and cannot properly be omitted, two to the Muhammadans, and three to trade and commerce.

UNITED PROVINCES.

44. The Legislative Council of the United Provinces is at present constituted as follows:—

A.—Nominated members; not more than 7 to be officials; non-officials to represent different classes of the community						9
B.—Elected members—						6
(a) by groups of Municipalities	...	...	...	...	...	2
(b) by groups of District Boards	...	...	...	...	...	2
(c) by University of Allahabad	...	...	...	...	...	1
(d) by Upper India Chamber of Commerce or other commercial bodies	...	...	...	...	...	1
Total						15
or, including the Lieutenant-Governor						16

In commenting on the working of the existing regulations, Sir James LaTouche observed two years ago—

- (1) That municipalities had practically always elected pleaders.
- (2) That District Boards do not as a rule elect great landowners. In illustration of this he pointed out that Munshis Nehal Chand and Madho Lall "belong to the English educated class and, though they hold land, are only incidentally landowners."
- (3) That no Muhammadan had ever been elected by a representative group. (Since this statement was made one has been appointed.)
- (4) That the professional middle class had generally secured five out of the six elective seats.
- (5) That Indian Commerce was unrepresented. Sir John Hewett confirms this in paragraphs 12 and 29 of his letter.
- (6) That more official seats were needed in order to find places for the heads of the Education, Medical, Sanitary, and Agricultural Departments, and for the junior of the two Chief Engineers.

The statistics from 1893 show the professional middle class holding 50 per cent. of the elective seats, landholders 20·6; Muhammadans none; Indian merchants none, and European Commerce 20·6. The principal elements of the population are—

<i>Communities.</i>				Number.	Per cent.
Hindus	...	...	...	40,757,000	85
Muhammadans	...	...	...	6,731,000	14

<i>Interests.</i>					
Agriculture	...	...	...	31,181,000	65
Commerce and Industry	...	...	...	7,500,000	16
Professions	...	...	...	622,000	1·3

<i>Adult Males.</i>					
Literate in English	...	...	...	65,000	·5
Literate in Vernacular	...	...	...	1,033,000	7·9

45 The reconstruction of the Council has been thoroughly worked out and explained in paragraphs 19 to 30 of the local Government's letter of the 16th March 1908. The Council proposed is thus constituted:—

A.—Nominated members; not more than 22 to be officials; the non-officials to represent special interests or minorities				...	28
B.—Elected members—				...	16
(a) by large municipalities in rotation	...	...	...	2	
(b) by District Boards and smaller Municipalities	...	...	...	8	
(c) by Allahabad University	...	...	...	1	
(d) by landholders	...	...	...	2	
(e) by Muhammadans	...	...	...	2	
(f) by Upper India Chamber of Commerce	...	...	...	1	

	Total	...	44
or, including the Lieutenant-Governor	...	...	45

46 After carefully considering all the questions raised by the local Government's letter and the opinions forwarded with it, we recommend a Council composed as follows:—

A.—Nominated members; not more than 23 to be officials; the non-officials to be representatives of special interests or minorities, or experts				...	27
B.—Elected members—				...	19
(a) by large Municipalities in rotation	...	...	...	2	
(b) by District Boards and smaller Municipalities	...	...	...	8	
(c) by Allahabad University	...	...	...	1	
(d) by landholders	...	...	...	2	
(e) by Muhammadans	...	...	...	4	
(f) by Upper India Chamber of Commerce	...	...	...	1	
(g) by the Indian commercial community	...	...	...	1	

	Total	...	46
or, including the Lieutenant-Governor	...	...	47

Our scheme does not differ materially from that proposed by the Lieutenant-Governor. The number, both of officials and non-officials, has been raised by one in order to bring the size up to that of the standard model. Provision has been made for the representation of the Muhammadans by four elected members, instead of by two elected and two nominated members, and a separate seat has been provided for the Indian commercial community, which will be filled up by election whenever a suitable constituency can be found.

EASTERN BENGAL AND ASSAM.

47. The Legislative Council of Eastern Bengal and Assam was established in October 1905. It consists of—

A.—Nominated members ; not more than 7 to be officials ; the non-officials to represent different classes of the community	...	9
B.—Elected members—	...	6
(a) by Municipalities and District Boards	...	3
(b) by Associations of landholders	...	1
(c) by Associations of merchants	...	1
(d) by Commissioners of Port of Chittagong	...	1
	Total	15
or, including the Lieutenant-Governor	...	16

The chief component elements of the population are—

<i>Communities.</i>					
			Number.		Per cent.
Hindus	...	...	11,350,000		37
Muhammadans	...	...	17,813,000		58
Buddhists	...	...	172,000		5
<i>Interests.</i>					
Agriculture	...	...	23,957,000		78
Commerce and Industry	...	...	3,377,000		11
Professions	...	...	527,000		1.7
<i>Adult Males.</i>					
Literate in English	...	...	62,000		9
Literate in vernacular	...	...	965,000		12.5

48. The local Government now proposes a Council constituted as follows :—

A.—Nominated members ; not more than 12 to be officials ; the non-officials to be representatives of special interests or minorities	...	15
B.—Elected members—	...	10
(a) by Municipalities	...	2
(b) by District and Local Boards	...	3
(c) by Bengal Landholders' Association	...	1
(d) by Provincial Muhammadan Association	...	1
(e) by tea interest	...	1
(f) by jute interest	...	1
(g) by Commissioners of Port of Chittagong	...	1
	Total	25
or, including the Lieutenant-Governor	...	26

49. This scheme appears to us to be defective in the following respects :—

- (1) A Council of 25 is too small for a province with a population of 31 millions, a large proportion of which consists of Bengalis of an advanced type.
- (2) The representation given to the professional middle class (5 seats) is insufficient.
- (3) The Muhammadans and the landholders are inadequately represented.

For these reasons we propose the following Council :—

A.—Nominated members ; not more than 18 to be officials ; the non-officials to be representatives of special interests or minorities or experts						21
B.—Elected members						15
*(a) by Municipalities and District and Local Boards ...						8
(b) by landholders						2
(c) by Muhammadans						2
(d) by tea interest						1
(e) by jute interest						1
(f) by Commissioners of Port of Chittagong ...						1
						<hr/>
						36
or, including the Lieutenant-Governor						37

We find it impossible to enlarge the Legislative Council of Eastern Bengal and Assam up to the standard proposed for the older provinces, because it is difficult to provide more than 18 official members without unduly disturbing administrative business. But the proposals made by us appear to meet the essential requirements of the province. They give sufficient representation to the professional middle class, the landholders, and the Muhammadans, and they assign separate members to the tea and jute industries, and to the Commissioners of the growing port of Chittagong. The Assamese inhabitants of the Brahmaputra Valley will for the first time obtain separate representation, and the reservation of three seats for nomination will place it in the power of the Lieutenant-Governor to meet the claims of the tenantry of the province to have an opportunity of expressing their views on the questions of the day. Although the Muhammadans form a majority of the population of the province, they are at present comparatively unorganized, and they can only be adequately represented by means of a special electorate.

PUNJAB.

50. The Punjab Legislative Council was established by the proclamation of 9th April 1897. It consists of —

A.—Nominated members—

Officials ... ..	...	...	...	...	...	4
Non-officials ... ..	...	...	...	...	...	5
						<hr/>
Total ...						9
or, including the Lieutenant-Governor ...						10

All the members are nominated. The non-officials are one Christian, two Muhammadans, one Sikh, and one Hindu. In framing a scheme of representation the following factors have to be considered :—

Communities.

				Number.	Per cent.
Hindus ... ..	...	...	...	7,874,000	38
Muhammadans ... ..	...	...	...	10,825,000	53
Sikhs ... ..	...	...	...	1,517,000	7

Interests.

Agriculture ... ..	...	...	...	10,998,000	54
Commerce and Industry ... ..	...	...	...	4,814,000	23
Professions ... ..	...	...	...	450,000	2.2

Adult Males.

Literate in English ... ..	...	...	...	54,000	.9
Literate in vernacular ... ..	...	...	...	564,000	9.9

51. In paragraphs 40 to 46 of his letter of 6th July 1908 the Lieutenant-Governor proposes a Council of the following composition :—

A.—Nominated members ; not more than 10 to be officials ; the non-officials to represent Muhammadans, Hindus, Sikhs and other interests					17
B.—Elected members—					4
(a) by the commercial community	...	...	...	1	
(b) by the Punjab University	...	...	...	1	
(c) by the larger cities	...	...	...	2	
Total					21
or, including the Lieutenant-Governor					22

52. In the Council proposed by the local Government, we find several features of which we are unable to approve. We think that no good reason has been assigned for giving to a Ruling Chief a place by right on the Council. We have excluded the Ruling Chief from the Imperial Council, relegating him to ordinary nomination in case it might be desired at any time to appoint one. No other Provincial Government contemplates the appointment of a Ruling Chief, and we are reluctant to admit this as a permanent feature of the Punjab Council. There is room for nominating a Chief if desired, under the heads Muhammadans, Hindus, Sikhs, and other interests. Nor do we see any reason for the mention of a Native Christian among the commercial classes, as that electorate may be expected invariably to return a European. As regards the members for the larger cities, the Lieutenant-Governor proposes that the eleven cities mentioned by him should each nominate one representative, and that the two members of the Council should be selected by him from among these eleven nominees. In our opinion this method would be regarded as no better than nomination pure and simple. Each city, having only one chance in five of electing its nominee, would take no interest in the election, and the professional middle class would receive the proposal with great dissatisfaction.

53. We have had the advantage of discussing this objection with the Lieutenant-Governor, and with His Honour's concurrence we propose a Council constituted as follows :—

A.—Nominated members ; not more than 12 to be officials, the non-officials to represent Muhammadans (2), Hindus (1), Sikhs (1) and other interests					19
B.—Elected members					5
(a) by the commercial community	...	...	...	1	
(b) by the Punjab University	...	...	...	1	
(c) by the larger cities	...	...	...	3	
Total					24
or, including the Lieutenant-Governor					25

The scheme thus modified promises to give adequate representation to the Hindus of the commercial and professional classes, and to the Muhammadan, Hindu and Sikh landowners, while it reserves three nominations for other interests not specifically provided for. The city electorate will consist of three groups representing respectively the Cis-Sutlej territory, the Central Punjab with the Sikh districts, and the Western Punjab in which the population is largely Muhammadan. We believe these proposals to be as advanced as the present circumstances of the Punjab demand, and we recommend their acceptance.

BURMA.

54. The Burma Legislative Council was formed by proclamation in 1897, at the same time as that of the Punjab. As at present constituted it consists of—

Nominated members—					
Officials	...	...	...	...	5
Non-officials	...	...	...	...	4
Total					9
or, including the Lieutenant-Governor					10

Two of the non-officials are Burmese. In practice the European non-official members are usually nominated by the Lieutenant-Governor after consultation with the Burma Chamber of Commerce, the Rangoon Port Commissioners, and the municipal Committee of Rangoon.

55. The Lieutenant-Governor proposes a Council constituted as follows :—

A.—Nominated officials	...	...	...	...	8
B.—Nominated non officials—	...	...	...	...	6
(a) appointed after consultation with the Rangoon Trades Association, Rangoon Port Commissioners and Municipal Committees of Rangoon, Mandalay, Moulmein, Bassein and Akyab	...	...	...	...	1
(b) to represent Indian and Chinese trading and mercantile interests	...	...	...	...	1
(c) to represent Burmese population	...	...	...	...	4
C.—Elected by the Burma Chamber of Commerce	...	...	...	...	1
Total					15
or, including the Lieutenant-Governor					16

56. The conditions of Burma are altogether peculiar; election is foreign to the ideas of the Burmese population, and neither they nor the Indian and Chinese immigrant commercial communities can at present be represented by any other means than nomination. In fact the only body in Burma that is capable of exercising the privilege of election is the Burma Chamber of Commerce.

For these reasons we propose a Council constituted as follows :—

A.—Nominated officials	...	...	...	...	8
B.—Nominated non-officials—	...	...	...	...	7
(a) to represent Burmese population	...	...	4	...	
(b) to represent Indian and Chinese commercial communities	...	...	2	...	
(c) to represent other interests	...	...	1	...	
C.—Elected by Burma Chamber of Commerce	...	...	...	...	1
Total					16
or, including the Lieutenant-Governor					17

RESOLUTIONS, QUESTIONS, AND DISCUSSION OF THE BUDGET.

57. *Power to move Resolutions.*—By the Act of 1861, under which the present Legislative bodies were constituted, discussion was confined to legislative proposals actually before the Councils in the form of Bills. In 1892 this limitation was relaxed to the extent of allowing debate on the annual financial statement although no legislation was involved, and in this debate it is permissible for members to draw attention to any matter they please, whether it arises directly out of the budget proposals or not. But a general debate of this character can never be satisfactory. Members do not know beforehand the subjects which are to be brought forward by their colleagues; the discussion is necessarily of a desultory character; and the absence of notice not uncommonly prevents the official members from giving full information in answer to questions that are raised. We are of opinion that the time has come when there should be further facilities for debate. We think that members should have opportunities for placing their views on public questions before the Government, and we are impressed with the benefits which both the Government and the educated public would derive from the well-ordered discussion of administrative subjects in the Legislative Councils, either on a reference from the head of the Government, or at the instance of a private member. Such discussions would give the Government, an opportunity of making their view of a question known, and of explaining the reasons which had led them to adopt a particular line of action. We therefore propose that power should be given by statute for members to move resolutions on matters of general public importance, subject to the checks to which we shall presently refer. So far as the educated public are concerned, there can be little doubt that the right to move resolutions on such

questions, and to argue these in a regular debate, will be welcomed as a very great concession ; that it will be resorted to freely ; and that it will tend to bring about more intimate relations between the official and non-official members. We think that the resolutions should be in the form of recommendations to the Government, because this form expresses the constitutional position more precisely, and emphasises the fact that the decision must in any case rest with the Government and not with the Council. In the event of a resolution not being accepted by the Government an opportunity would be taken of explaining their reasons.

58. This subject was not included among those which Your Lordship authorised us to put before local Governments, and our letter of 24th August 1907 contained no reference to it. But it is a reform to which we attach great importance. In support of it we would point out that a similar proposal was put forward in 1883 by Sir George Chesney's Committee in reference to Provincial Councils. They recommended that, in addition to legislation, it should be one of the functions of the local councils to originate advice and suggestions on any subject connected with internal administration, and that their views should be embodied in the form of a memorandum addressed to the head of the Government. They advised, however, that it should not be permissible to propose resolutions relating to subjects removed from the cognizance of the Provincial Legislative Councils by section 43 of the Councils Act of 1861, which forbids them, except with the previous sanction of the Governor General, "to make regulations or to take into consideration any law or regulation" relating to the public debt, customs, and Imperial taxes ; coin, bills, and notes ; post office and telegraph ; altering the Penal Code ; religion ; army and navy ; patents or copyright ; foreign relations. That proposal was not adopted at the time, and it may have been premature in the conditions which then existed, but at least it had the high authority of the members of that Committee.

59. The discussion of administrative questions can however only be permitted subject to certain rules and restrictions which must be clearly laid down. We do not feel ourselves in a position at the present stage to make an exhaustive enumeration of these, and we anticipate that, as has been the case in the House of Commons, actual experience will lead to the framing of standing orders designed to meet the exigencies of debate. It seems to us, however, that the following conditions must be imposed from the first—

- (1) Resolutions must relate to matters of public and general importance, and not to isolated incidents of administration or personal questions.
- (2) No resolution should have by itself any force or effect. It must rest with the Government to take action or not to take action as it thinks fit. This is the English principle, and it is obvious that the Council cannot claim for its resolutions a higher degree of authority than attaches to a resolution of the House of Commons.
- (3) The order of business must be absolutely under the control of the President, and no discussion of his orders can be permitted.
- (4) The President must have power to disallow any resolution without giving any other reason than that in his opinion it cannot be discussed consistently with the public interests. This will enable him to reject resolutions which are contrary to public policy, or which relate to matters which could not be discussed without anticipating, or seeming to, anticipate, the decision of the Secretary of State.
- (5) In order to avoid the too frequent exercise of this general power of disallowing resolutions certain classes of subjects ought to be expressly excluded. In the case of the Provincial Councils the proposals of Sir George Chesney's Committee referred to above seem to be suitable. In the Imperial Council the admissible range of discussion is necessarily larger, and it is less easy to define its

limits precisely. For the present we think it sufficient to say that some subjects must be specially excluded, and that the question, which those should be, can be best settled later on when the rules of business are drawn up.

- (6) It will also be necessary to place some limitation upon the time allotted to the discussion of resolutions.

60. *Power to ask questions.*—The right of asking questions in the Legislative Councils, subject to certain conditions and restrictions, was conceded by the Indian Councils Act of 1892. We recommend that it should be extended to the enlarged Councils which we propose for the Punjab and Burma. We do not suggest any alteration in the rules governing the subject.

61. *The discussion of the budget.*—Under this head it was proposed in our published letter of 24th August 1907 that the budget should be explained by heads or groups of heads by the members in charge of departments, and should be discussed in the same way by the other members, and that this discussion should be followed by a general debate conducted on the same lines as at present. No method was suggested of enabling the non-official members to exercise any influence on the actual settlement of the items. The opinions received do not throw much light on the question, how the Government can give the Councils an effective share in the financial administration of India, without surrendering any essential principle, or parting with the right of original initiative and ultimate control. The Governments of Madras, Bombay, Bengal, the United Provinces, and the Punjab put forward, in more or less detail, proposals for holding informal conferences with the non-official members of the Legislative Council, when the first edition of the provincial budget has been prepared, and thus eliciting criticisms and suggestions which might be considered when the second edition comes to be settled. The Bombay Government claim a greater degree of financial independence, and they and other Governments argue that, so long as the provincial budget requires the previous sanction of the Government of India the discussions in the full Council can deal only with settled facts, since no alterations can be introduced by the local Government in consequence of anything that may be said in the public debate. All Governments approve of discussion by heads as proposed in the published letter. No Government suggests any plan for enabling the full Council to debate and vote upon specific assignments of funds. The non-official critics either demand the power of moving amendments to any items of the budget, or express general approval of the Government of India's proposals.

62. We are clearly of opinion that it is advisable that the Councils should be afforded increased facilities for expressing their views upon the budget, and that these facilities should be given at a sufficiently early stage to enable the Government to take advantage of any advice that may be tendered, and to adopt and give effect to such suggestions as may be found practicable. The ultimate control must, however, rest with the Government, and no useful purpose would be served by affecting to ignore this essential fact. It is the Government, and not the Council, that decides any question arising on the budget, and the utmost concession that can be made is to give the Council ample opportunities of making recommendations to the Government in respect of particular items. But, without departing from this principle, we think that the Council may properly be empowered to record its opinion by vote on the greater part of the budget proposals. The Indian public have long desired an opportunity of this kind, and we think that the time has come when it may properly be given in the manner and to the extent which we shall presently explain. In our letter to local Governments we did not put forward any plan by which Members of Legislative Councils could vote on the budget, but we are anxious to meet the public demand, and we trust that our proposals in the matter, both in regard to the Imperial and to the Provincial Councils, may obtain Your Lordship's approval.

63. *The Imperial Budget.*—These being the general objects which we have in view, we believe that they may be attained in the case of the

Imperial budget by laying down that the financial statement shall be presented during the last five days in February ; and that the final discussion of the budget shall take place not more than four weeks later. There are very strong reasons for being particular about dates ; and we need not enter here into the arrangements which will be necessary in order to admit of the budget being opened three weeks in advance of the usual time. The figures will be less accurate than they are now, and a considerable part of the detailed explanations which are now appended to the financial statement will have to be dropped. The Finance Member's speech will necessarily be more general in its tone, and will not describe the figures of expenditure with the same precision. This disadvantage will, in our opinion, be amply counter-balanced by the fact that the earlier presentation of the budget will enable the Government to obtain the views of the Council on their financial proposals at a stage when it will still be possible to act upon their advice. On the presentation of the financial statement, it will be convenient for the Council to resolve itself into Committee for the discussion of the budget by blocks. It should be a committee of the whole Council, with a Member of the Government in the chair ; and the first meeting should take place not later than one week after the day on which the budget is presented. The Committee should sit from day to day until its work is complete ; and there should be a rule requiring it to finish its business on or before the 10th of March ; since it is essential that the final corrections should all be known in good time to get the budget, with its supplementary tables and notes, into the shape in which it is to be finally presented.

64. For the purpose of discussion in Committee the major heads or groups of heads would be taken up in order, the discussion being opened with an explanatory speech by the Member of the Executive Council who controls the departments concerned, or, if so arranged, by another member on his behalf. Each member would then be at liberty to move a resolution, in the form of a recommendation to the Government, relating to the figures in any head or group, two days' notice being given in each case. The Council would divide upon any resolutions which were pressed ; and the result would be duly recorded. But the Government would not be bound to take action upon any resolution, either in whole or in part. Power should be vested in the chairman to close the discussion upon any head or group, when he thinks that it cannot be continued with advantage, and there should be a time limit for individual speeches. Here, as in paragraph 62 above, we desire to lay stress on the condition that the resolutions should be in the form of recommendations to the Government, as indicating that the power of passing the Budget is vested, not in the Council, but in the executive Government. This is not a mere verbal refinement ; it denotes a constitutional fact ; and it has the further advantage of avoiding any objection that may be taken to the scheme on the basis of the English rule that all proposals for the increase of expenditure must be initiated by the Crown. If it is necessary for us to support our proposals by a reference to Parliamentary practice, the requisite analogy is to be found in the right of the House of Commons to submit an address to the Crown recommending certain expenditure.

65. When the Council sitting in Committee has completed its labours, it will be for the Government to decide what alterations, if any, should be made in the budget as a result of the discussion. These would be carried out in the estimates at once. At the adjourned meeting of the Council, the Finance Member would submit the budget in its final form, along with a formal report of the proceedings in Committee. This opportunity would be taken to explain briefly why Government had been unable to accept any resolutions that were carried in Committee. After the Finance Member's speech, a general discussion would follow ; but at this stage no further resolutions would be admissible. The Finance Member would make a general reply and the Viceroy would sum up the debate ; whereupon the budget would come into effect.

66. *The Provincial Budgets.*—In preparing its provincial budget, a local Government has no anxieties about ways and means in the wider sense of that term. Its surplus or deficit is absorbed in the general balances of India. It is

not affected by remissions of taxation, for the effects of which the Imperial exchequer provides full compensation. Its sole concern is to keep the demands of its departments within its estimated revenue, without drawing unduly upon the provincial balance. In our opinion it is in this task that the Provincial Council may suitably assist the local Government. Nor ought such assistance to be unwelcome. For a local Government at budget time is flooded with proposals for new expenditure, and purely departmental efficiency may sometimes push aside more genuine needs. It is not, of course, suggested that the intervention of the Provincial Council will ensure an infallible judgment between conflicting claims. But it will put the proposals on their defence; it will enlist some outside knowledge of local interests; and it will give the non-official members a substantial share in the preparation of the budget.

67. What we propose for adoption is a procedure in four stages. The first stage is the rough draft of the Provincial estimates. In this the local Government would include all projects for new expenditure in excess of Rs. 5,000 which are put forward by the different departments, provided that they are covered by administrative sanction, and that there is no *prima facie* objection to them. All such projects would be listed in a schedule, which would consist of two parts. In part I the local Government would place those items for which it considers that provision must be made in order to carry on a scheme already in hand, or in pursuance of orders from the Government of India or the Secretary of State, or to meet an urgent administrative need. All other items, not earmarked as above, would be put in part II of the schedule. The draft budget, with this schedule of new expenditure, would then be submitted to the Government of India. Now it is manifest that an estimate of expenditure prepared on these lines is certain to exceed what the province can afford. It would rest therefore with the Government of India, after correcting the estimate of revenue and the opening balance (which it always has to do at present), to determine, in consultation with the local Government, the aggregate expenditure for which the provincial budget should provide; but the detailed correction of the expenditure estimates which is now undertaken in the Finance Department would be dispensed with. The alterations in the revenue figures, and the figure of total expenditure, as fixed by the Government of India, would then be communicated to the local Government. The Government of India would also reserve the power—we consider this essential—to alter or add to part I of the schedule.

68. The second stage would bring the Provincial Council upon the scene. We are inclined to think that the work would be better done by a select committee than by the more unwieldy body of the whole Council. We accordingly recommend the appointment of a standing Finance Committee of the Council, numbering not more than 12: in the smaller councils 8, or even 6, might suffice. There would be an equal number of officials and non-officials. The latter might be elected by the non-official members of the Council, once a year, by ballot or as directed by rules. The officials would be nominated by the local Government, and would be selected mainly for their capacity to represent the bigger spending departments. The Financial Secretary (or, in Madras and Bombay, the Member of Council who has charge of the Financial Department) would be chairman, with a casting vote. Most local Governments have proposed a procedure substantially on these lines; and the recent action of the Governments of Madras and Bengal in appointing Committees of their Councils to consider the budget informally has been received with general approval.

69. On receipt of the Government of India's orders on its draft budget, the local Government would at once convene this Committee, place all the papers before it, and instruct it to revise part II of the schedule in such a manner as to bring the total estimates of expenditure down to the figure sanctioned by the Government of India. The proceedings of the Committee would be private and informal. Discussion would be free, and the decisions would go by the vote of the majority. Where items were disputed, the officer representing the department concerned would be heard in their support, their urgency would be compared with that of items supported by other departments, and the Committee would

then vote upon them on their merits. On occasion, the Committee might decide to insert in the budget a project which had not appeared in the original estimate; and to this there appears to be no objection, if the scheme were one for which administrative sanction existed, or which the local Government were prepared to support. On the conclusion of its work, the Committee would report the corrections in part II which it considered necessary, in order to bring the total budget expenditure within the figure sanctioned by the Government of India. After considering the Committee's proposals the local Government would revise its expenditure estimates, make any alteration in the revenue estimates which the progress of actuals might suggest, and report the figures which it decided to accept under both heads to the Government of India for incorporation in the Imperial budget.

70. The third stage would begin with the presentation of the estimates as a whole to the Provincial Council. On receiving the second edition of the estimates, as explained in the last paragraph, the Government of India would make no further changes on the expenditure side, unless, in the exercise of a power which they must always reserve, they found it necessary to direct a general reduction of expenditure in consequence of any exceptional strain on either the Imperial or the Provincial resources. But they would bring the revenue figures up to date, give effect to any taxation proposals affecting the budget, and insert any special grants for the province which the Secretary of State might have sanctioned out of the Imperial surplus. They would then, in accordance with the present practice, compile the figures and incorporate them in the Imperial financial statement. An abstract of the figures, as thus settled, would be communicated to the local Government on the day when the Imperial budget is opened. The local Government would at once print up its budget, and call a meeting of its Provincial Council, when the budget would be formally presented by the official in charge, with a speech describing its general purport.

71. The best method of conducting the consideration of the budget would be for the Council to sit as a Committee. This would allow of greater freedom of debate, and it would permit the head of the province to leave the chair and to put one of the official members in charge. In committee, each head or group of heads would be taken up separately. The figures would be explained by the official member who represents the administrative department concerned. Any member would then be at liberty to move a resolution, in the form of a recommendation to the local Government, regarding any entry in the head or group under discussion, and the resolution would be debated and put to the vote. The opportunity would be taken by the official members to move any addition to the estimate of expenditure in consequence of an Imperial grant, or any reduction in consequence of a specific direction from the Government of India to curtail expenditure. All resolutions carried by a majority of votes would be reported to the local Government; but it would be entirely at their discretion to accept any such resolution in whole or in part, or to reject it. In order to allow sufficient time to have the Provincial figures incorporated in the Imperial budget before the latter is prepared in its final form, it would be necessary to close the discussion in Council by a certain date. Rules would have to be framed for this purpose.

72. The fourth stage would commence as soon as the Council sitting in Committee had finished with the budget. The local Government would then consider what alternations, if any, were to be made as the result of the discussion. Without the Government of India's sanction, it would not be competent to change the revenue figures or to increase the total figure of expenditure as formerly settled by that Government. But it might, if it so desired with reference to the Committee's recommendations, vary the distribution of the expenditure in detail. The figures as finally altered would be telegraphed to the Government of India, and the final edition of the Provincial budget would then be compiled and printed. This would be presented by the member in charge at an adjourned meeting of the Council along with a report of the Committee's proceedings. He would describe any changes that had been made in the figures, and explain why any resolutions of the Committee had not been accepted by the local Government.

A debate would follow ; but no resolution or voting would be permitted.

73. *Subjects for discussion.*—In regulating the new system of discussion, whether in the Imperial or Provincial Councils, one of the first points for consideration is the range of subjects on which resolutions and voting will be permitted. Since we propose, taking our stand on the practice of the House of Commons, to lay down that no recommendation will be binding upon the Government, the limits within which resolutions may be proposed can be very materially enlarged without running any risk of causing embarrassment or misunderstanding. It is clearly imperative, however, on grounds of public policy, that certain items both of revenue and of expenditure should be excluded from debate ; and we annex to this despatch a schedule showing what heads of the Imperial and provincial budgets we consider should be thus reserved. We desire to draw attention to the large number of items which we have left open to discussion, and the comparatively small number which we propose to exclude. The grounds for exclusion are various. Some items both of revenue and expenditure are fixed by law, and the proper method of proposing any alteration of them is the introduction of a bill. Most of the political heads are governed by treaties or engagements with which the Councils have no concern ; the debt heads depend upon contracts which cannot be altered ; and military and ecclesiastical charges raise far-reaching questions of policy which it would be inexpedient to discuss, and impossible to put to the vote. Finally, it is obvious that the Imperial Council can only discuss with advantage the revenue and expenditure which is under the administration of the Government of India, while a Provincial Council must equally be restricted to items subject to the control of the local Government. In addition to these specific reservations, which we have endeavoured to make as few as possible, it will be necessary to impose some further restrictions upon resolutions with the object of preserving the business character of the debate and of restricting it as far as possible, to the financial aspects of the budget. The discussion of the budget by heads is intended to deal with the settlement of the figures, and generalities having no direct bearing on this point should be ruled out as irrelevant at that stage, and relegated to the general debate. We apprehend that there will be no difficulty in framing a rule which will give to the Chairman of the Council when sitting as a Committee a general power to enforce this necessary distinction.

74. *Effect of Budget proposals.*—Our proposals under this head indicate a treatment of the budgets which will maintain full power for the Government over ways and means, while giving the Councils a reasonable share in the settlement of expenditure. They will have a marked tendency to promote decentralisation, but they will in no way relax the control which is exercised by the Secretary of State in Council over the expenditure of the revenues of India. They will confer on local Governments a larger measure of financial independence and will enable them in the exercise of these increased powers to avail themselves of the assistance of the Legislative Council to an extent which has hitherto been impossible. And, both in the Imperial and the Provincial Councils, they will place the representatives of all classes of the population in a position to take a more effective part in shaping the policy of the Government, and to exert a real influence upon the actual work of administration.

GENERAL CONCLUSIONS.

75. In framing the proposals, which we now submit to your decision, we have given ample consideration to the great variety of opinion elicited by our letter of 24th August 1907. We readily acknowledge the value of many of the criticisms that have reached us, and we believe that no material point has escaped our observation. We have accepted in substance several important suggestions, and we have introduced into our scheme measures of a far more advanced character than have hitherto been proposed. We will now sum up the results of our deliberations. In accordance with the most authoritative opinion we have abandoned the idea of an Imperial Advisory Council as originally planned, and

have substituted for it a Council of Chiefs to be appointed by the Viceroy, and utilised by him in the guardianship of common and Imperial interests as the demands of the time may require. We have planned Provincial Advisory Councils on lines which will enable local Governments to avail themselves of the advice and co-operation of the leading representatives of the best non-official opinion, and we trust that the proposal will commend itself to popular feeling, and will satisfy the demand for extended opportunities of consultation on matters of local interest. The enlargement of the Legislative Councils, and the extension of their functions to the discussion of administrative questions, are the widest, most deep-reaching and most substantial features of the scheme which we now put forward. Taking first the Imperial Legislative Council, we propose to raise the total strength of the Council, excluding His Excellency the Viceroy, from 24 to 62, and to increase the number of non-official members from 10 to 31, and of elected members from 5 to 28. On all ordinary occasions we are ready to dispense with an official majority, and to rely upon the public spirit of the non-official members to enable us to carry on the necessary work of legislation. We have dealt with the Provincial Legislative Councils in an equally liberal manner. The total strength of the Council, and the numbers of non-official and elected members have in every instance, except that of Burma, been more than doubled. In all these cases, while giving fuller play to the elective principle, we have also greatly enlarged its range, and have endeavoured to afford proportionate representation to all classes that have reached a sufficiently high level of education, the landholders, the Muhammadans, the professional middle class, and the commercial community both Indian and European. To all of them, again, we propose to concede the novel right of moving resolutions, and dividing the Council on administrative questions of public and general interest, and of taking part in settling the actual figures of the budget, both by informal discussion and by bringing forward specific recommendations which will be put to the vote. Regarding the scheme as a whole, we consider ourselves justified in claiming for it that it will really and effectively associate the people of India with the Government in the work not only of occasional legislation but of actual every-day administration. It is an attempt to give India a constitution framed on sufficiently liberal lines to satisfy the legitimate aspirations of the most advanced Indians, whilst at the same time enlisting the support of the more conservative elements of Indian society. We are not without hope that it will be accepted by all classes in the spirit in which it has been planned, and that it will unite in the common service of India all those, whether officials or private individuals, who have her highest interests at heart.

76. In conclusion we have one more observation to make. We recognise that the effect of our proposals will be to throw a greater burden on the heads of local Governments, not only by reason of the actual increase of work caused by the longer sittings of the Legislative Councils, but also because there will be considerable responsibility in dealing with the recommendations of those Councils. It may be that experience will show the desirability of strengthening the hands of Lieutenant-Governors in the larger provinces by the creation of Executive Councils, as Sir Charles Aitchison suggested in connexion with the proposals of 1888, and assisting the Governors of Madras and Bombay by enlarging the Councils which now exist in those presidencies. But it would be premature to discuss these contingencies until experience has been gained of the working of the new legislative bodies. The creation of Councils with executive functions in provinces in which they do not exist would be a large departure from the present system of administration, and is a change that could only be recommended after the fullest consideration, and after consultation with the heads of the provinces concerned.

77. We have appended schedules to this despatch to illustrate our proposals. The first of them gives in parallel columns the numbers and constitution of the existing Legislative Councils and of those now proposed. The second shows the heads of the Financial Statement in respect of which we propose that resolutions may be moved, and also those heads which we think should not form the subject of resolutions, though they would be open to discussion in the general debate with

which the budget procedure would terminate. The third states the substance of the amendments of the Act of 1892 which are necessitated by our proposals.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

MINTO.

KITCHENER.

H. E. RICHARDS.

C. H. SCOTT.

H. ADAMSON.

J. O. MILLER.

W. L. HARVEY.

J. S. MESTON.

SCHEDULE I.

IMPERIAL LEGISLATIVE COUNCIL.

EXISTING.

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council ... 8

Additional.

A.—Nominated members; not more than 6 to be officials; the non-officials to be nominated with reference to legislative business or to represent interests ... 11
 B.—Elected members— ... 5
 (a) by the Legislative Councils of Madras, Bombay, Bengal and the United Provinces 4
 (b) by the Calcutta Chamber of Commerce ... 1
 Total ... 24
 or, including His Excellency the Viceroy ... 25

PROPOSED.

Ex-officio.

The Lieutenant-Governor of Bengal (or of the Punjab when the Council assembles in Simla), the Commander-in-Chief and the members of the Executive Council ... 8

Additional.

A.—Officials representing provinces ... 8
 B.—Nominated members; not more than 15 to be officials; the non-officials to be representatives of minorities or special interests, or experts ... 18
 *C.—Elected members— ... 28
 †(a) by the Provincial Legislative Councils and by the Advisory Council of the Central Provinces ... 12
 (b) by the landholders of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and the Central Provinces ... 7
 (c) by Muhammadans of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and (alternately) Madras and Bombay ... 5
 (d) by Chambers of Commerce of Calcutta and Bombay ... 2
 ‡(e) by representatives of Indian commerce ... 2
 Total ... 62
 or, including His Excellency the Viceroy ... 63

* Some of these may at first have to be nominated, pending the formation of suitable electorates, but the intention is that all should eventually be elected, so far as may be practicable.

† Legislative Councils of Madras 2, Bombay 2, Bengal 2, United Provinces 2, Punjab 1, Burma 1, Eastern Bengal and Assam 1, and Provincial Advisory Council of Central Provinces 1.

‡ To be nominated by the Governor-General in consultation with local Governments until a method of election can be devised.

PROVINCIAL LEGISLATIVE COUNCILS.

MADRAS.

Ex-officio.

Members of the Executive Council ... 2
 Advocate-General ... 1

Additional.

A.—Nominated members; not more than 9 to be officials; the non-officials to represent different classes, one ordinarily to be a zamindar paying not less than Rs. 20,000 *peshkash* annually ... 13
 B.—Elected members— ... 7
 (a) by Corporation of Madras ... 1
 (b) by Municipalities and District Boards ... 4
 (c) by the University ... 1
 (d) by the Chamber of Commerce, or other commercial bodies ... 1
 Total ... 23
 or, including the Governor ... 24

MADRAS.

Ex-officio.

Members of the Executive Council ... 2
 Advocate-General ... 1

Additional.

A.—Nominated members; not more than 20 to be officials; the non-officials to be representatives of special interests or minorities, or experts ... 24
 B.—Elected members— ... 19
 (a) by Corporation of Madras ... 1
 *(b) by Municipalities and District Boards ... 8
 (c) by the University ... 1
 †(d) by landholders ... 4
 (e) by the planting community ... 1
 ‡(f) by Muhammadans ... 2
 (g) by the Chamber of Commerce ... 1
 (h) by the Indian commercial community ... 1
 Total ... 46
 or, including the Governor ... 47

* Voting together in eight groups of about three districts each.

† Voting in four groups of about six districts each.

‡ Elected or nominated as may be found practicable.

EXISTING.
BOMBAY.

Ex-officio.

Members of the Executive Council	...	...	2
Advocate-General	...	...	1

Additional.

A.—Nominated members not more than 9 to be officials; the non-officials to represent different classes of the community	12
B.—Elected members—	...	...	8
(a) by Corporation of Bombay	...	1	
(b) by Municipalities*	...	1	
(c) by District Boards*	...	2	
(d) by Bombay University	...	1	
(e) by Sardars of the Deccan and Zamindars of Sind	..	2	
(f) by Bombay Chamber of Commerce, or other commercial bodies	...	1	

Total .. 23

or, including the Governor ... 24

* Voting by electoral representatives on a population scale.

BENGAL.

A.—Nominated members; not more than 10 to be officials; the non-officials to represent different classes of the community ... 13

B.—Elected members	...	...	7
(a) by Corporation of Calcutta	...	1	
(b) by Municipalities (by rotation)	...	1	
(c) by District Boards (by rotation)	...	2	
(d) by the University	...	1	
(e) by Landholders' Associations	...	1	
(f) by Chamber of Commerce or other commercial bodies	..	1	

Total ... 20

or, including the Lieutenant-Governor ... 21

UNITED PROVINCES.

A.—Nominated members; not more than 7 to be officials; non-officials to represent different classes of the community ... 9

B.—Elected members—	...	...	6
(a) by groups of Municipalities	...	2	
(b) by groups of District Boards	...	2	
(c) by University of Allahabad	...	1	
(d) by Upper India Chamber of Commerce or other commercial bodies	..	1	

Total ... 15

or, including the Lieutenant-Governor ... 16

PROPOSED.
BOMBAY.

Ex-officio.

Members of Executive Council	...	..	2
Advocate-General	...	...	1

Additional.

A.—Nominated members, not more than 20 to be officials the non-officials to be representatives of special interests or minorities, or experts ... 23

B.—Elected members— ... 20

(a) by Corporation of Bombay	...	1	
(b) by Municipalities	...	4	
(c) by District Boards	...	4	
(d) by the University	...	1	
(e) by landholders	...	3	
(f) by Muhammadans	...	3	
(g) by Bombay Chamber of Commerce	...	1	
(h) by Karachi Chamber of Commerce	...	1	
(i) by Millowners' Associations of Bombay and Ahmedabad alternately	...	1	
(j) by Indian commercial community	...	1	

Total ... 46

or, including the Governor ... 47

BENGAL.

A.—Nominated members; not more than 23 to be officials, the non-officials to be representatives of special interests or minorities, or experts ... 26

B.—Elected members— ... 20

(a) by Corporation of Calcutta	...	1	
(b) by Municipalities	...	4	
(c) by District Boards	...	4	
(d) by the University	...	1	
(e) by landholders	...	4	
(f) by the planting community	..	1	
(g) by Muhammadans	...	2	
(h) by the Chamber of Commerce	...	1	
(i) by the Calcutta Trades Association	..	1	
(j) by the Indian commercial community	...	1	

Total ... 46

or, including the Lieutenant-Governor ... 47

UNITED PROVINCES.

A.—Nominated members; not more than 23 to be officials, the non-officials to be representatives of special interests or minorities, or experts ... 27

B.—Elected members— ... 19

(a) by large Municipalities	...	2	
(b) by District Boards and smaller Municipalities	...	8	
(c) by Allahabad University	...	1	
(d) by landholders	...	2	
(e) by Muhammadans	...	4	
(f) by Upper India Chamber of Commerce	...	1	
(g) by the Indian commercial community	...	1	

Total ... 46

or, including the Lieutenant-Governor ... 47

EXISTING.

EASTERN BENGAL AND ASSAM.

A.—Nominated members; not more than 7 to be officials; the non-officials to represent different classes of the community ...				9
B.—Elected members ...				6
(a) by Municipalities and District Boards				3
(b) by Associations of landholders ...				1
(c) by Associations of merchants . .				1
(d) by Commissioners of Port of Chittagong				1
Total ...				15
or, including the Lieutenant-Governor ...				16

PUNJAB.

A.—Nominated members.—				
Officials ...				4
Non-officials ...				5
Total ...				9
or, including the Lieutenant-Governor ...				10

BURMA.

A.—Nominated members:—				
Officials ...				5
Non-officials ...				4
Total ...				9
or, including the Lieutenant-Governor ...				10

PROPOSED.

EASTERN BENGAL AND ASSAM.

A —Nominated members; not more than 18 to be officials, the non-officials to be representatives of special interests or minorities, or experts ...				21
B.—Elected members— ...				15
*(a) by Municipalities and District and Local Boards ...				8
(b) by landholders ...				2
(c) by Muhammadans ...				2
(d) by tea interest ...				1
(e) by jute interest ..				1
(f) by Commissioners of Port of Chittagong				1
Total ...				36
or, including the Lieutenant-Governor ...				37

* Voting together by divisions, viz, Dacca 2, Chittagong 2, Rajshahi 2, Bruhmaputra valley 1, Surma valley 1

PUNJAB.

A —Nominated members; not more than 12 to be officials, the non-officials to represent Muhammadans, Hindus, Sikhs and other interests ...				19
B.—Elected members— ...				5
(a) by the commercial community ...				1
(b) by the Punjab University ...				1
(c) by the larger cities ...				3
Total ...				24
or, including the Lieutenant-Governor ...				25

BURMA.

A —Nominated officials ...				8
B.—Nominated non-officials ...				7
(a) to represent Burmese population ...				4
(b) to represent Indian and Chinese commercial communities ...				2
(c) to represent other interests ...				1
C.—Elected by Burma Chamber of Commerce ...				1
Total ...				16
or, including the Lieutenant-Governor ...				17

SCHEDULE II.

A.—The Imperial Budget.

REVENUE.		EXPENDITURE.	
Heads for debate.	Heads excluded from debate.	Heads for debate.	Heads excluded from debate.
I. Land Revenue.	IV. Stamps.	1. Refunds and Drawbacks.	2. Assignments and Com- pensions.
II. Opium.	VII. Customs.	3. Land Revenue.	13. Interest on Debt.
III. Salt.	VIII. Assessed Taxes.	4. Opium.	23. Ecclesiastical.
V. Excise.	XI. Tributes from Native States.	5. Salt.	25. Political.
VI. Provincial Rates.	XVI-A. Courts of Law.*	6. Stamps.	27. Territorial and Political Pensions.
IX. Forest.	XXXII. Army.	7. Excise.	38. State Railways†.
X. Registration.	XXXIII. Marine.	8. Provincial Rates.	42. Major Works: Interest on Debt.
XII. Interest.	XXXIV. Military Works.	9. Customs.	46. Army.
XIII. Post Office.	All purely Provincial revenue.	10. Assessed Taxes.	46-A. Marine.
XIV. Telegraph.		11. Forest.	47. Military Works.
XV. Mint.		12. Registration.	47-A. Special Defences.
XVI-B. Jails.		14. Interest on other Obligations.	All Statutory charges.
XVII. Police.		15. Post Office.	All purely Provincial ex- penditure.
XIX. Education.		16. Telegraph.	
XX. Medical.		17. Mint.	
XXI. Scientific and other Minor Departments.		18. General Administration.†	
XXII. Receipts in aid of Super- annuation.		19-A. Courts of Law.†	
XXIII. Stationery and Printing.		19-B. Jails.	
XXIV. Exchange.		20. Police.	
XXV. Miscellaneous.		22. Education.	
XXVI. State Railways.		24. Medical.	
XXVII. Guaranteed Companies.		26. Scientific and other Minor Departments.	
XXVIII. Subsidized Companies.		28. Civil furlough and Absentee Allowances.	
XXIX. Irrigation Major Works.		29. Surperannuation Allowances and Pen- sions.	
XXX. Minor Works and Navi- gation.		30. Stationery and Printing.	
XXXI. Civil Works.		32. Miscellaneous.	
		33. Famine Relief.	
		34. Construction of Protective Railways.	
		35. Construction of Protective Irrigation Works.	
		36. Reduction or Avoidance of Debt.	
		39. Guaranteed Companies.	
		40. Subsidized Companies.	
		41. Miscellaneous Railway Expenditure.	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		45. Civil Works.	
		48. State Railways Capital Expenditure not charged to revenue.	
		49. Irrigation Works: do. do.	

* Mainly Court-fees and fines.

† These heads include certain statutory charges, which will be excluded from debate.

‡ This head deals purely with interest, sinking funds and annuities.

B.—The Provincial Budgets.

REVENUE.		EXPENDITURE.	
Heads for debate.	Heads excluded from debate.	Heads for debate.	Heads excluded from debate.
I. Land Revenue.	IV. Stamps.	1. Refunds and Drawbacks.	2. Assignments and Compensations.
V. Excise.	VI. Provincial Rates.	3 Land Revenue.	13. Interest on debt.
IX. Forest.	VIII. Assessed Taxes.	6 Stamps.	25. Political.
X. Registration.	XVI A. Courts of Law.*	7. Excise.	42. Major works: Interest on debt.
XII. Interest.	XXVI. State Railways.	8. Provincial Rates.	All Statutory Charges.
XVI-B. Jails.	All purely Imperial revenue.†	10. Assessed Taxes.	All purely Imperial expenditure.§
XVII. Police.		11. Forest.	
XVIII. Ports and Pilotage.		12. Registration.	
XIX. Education.		18. General Administration.‡	
XX. Medical.		19-A. Courts of Law.‡	
XXI. Scientific and other Minor Departments.		19-B. Jails.	
XXII. Receipts in aid of Superannuation, etc.		20. Police.	
XXIII. Stationery and Printing.		21. Ports and Pilotage.	
XXV. Miscellaneous.		22. Education.	
XXIX. Irrigation Major Works.		24. Medical.	
XXX. Minor Works and Navigation.		26. Scientific and other Minor Departments.	
XXXI. Civil Works.		29 Superannuation Allowances and Pensions.	
		30. Stationery and Printing.	
		32. Miscellaneous.	
		33. Famine Relief.	
		36. Reduction or Avoidance of Debt.	
		40. Subsidized Companies.	
		41 Miscellaneous Railway expenditure.	
		42. Irrigation Major Works—Working Expenses.	
		43. Minor Works and Navigation.	
		44. Construction of Railways charged to Provincial revenues.	
		45. Civil Works.	

* Mainly Court-fees and fines.

† Purely Imperial heads of account are omitted from this list—e.g., II, III, XI, XIII, XIV, etc.

‡ These heads include certain statutory charges, which will be excluded from debate.

§ Purely Imperial heads of account are omitted from this list—e.g., 4, 5, 9, 15, etc.

SCHEDULE III.

Amendments required in the Indian Councils Act, 1892.

1. In section 1, sub-section (1), the substitution for the words "ten" and "sixteen" of the words "forty" and "fifty-four," and for the words "eight" and "twenty" of the words "twenty" and "forty-three."

2. In the same section the substitution of the following for sub-section (2) :

"(2) It shall be lawful for the Governor General in Council, by proclamation, from time to time to increase the number of the Councillors whom the Lieutenant-Governors of the Provinces named below may nominate for their assistance in making laws and regulations :

Provided always that not more than the numbers specified below shall be nominated in the case of each Province :

(i) for the Bengal Division of the Presidency of Fort William	...	forty-six.
(ii) for the United Provinces of Agra and Oudh	..	... forty-six.
(iii) for Eastern Bengal and Assam	... ..	... thirty-six.
(iv) for the Punjab	... ..	... twenty-four.
(v) for Burma	... ..	... sixteen."

3. In section 2, paragraphs one and two, the insertion after the words "the discussion," in each place in which they occur, of the words "of any matter of general public interest and".

4. In the same section the substitution for paragraph three of the following paragraph :

"Any such rules as aforesaid may provide also for the appointment of any member of any such Council to preside at any such discussion in the place of the Governor General, Governor or Lieutenant-Governor, as the case may be."

LIST OF ENCLOSURES.

- I. Home Department letters to local Governments, nos. 2310-2317, dated the 24th August 1907 and nos. 210 217, dated the 21st January 1908, and enclosure.
- II. Memorandum from the Government of Madras, no. 3+66, Public, dated 22nd October 1907, to the Board of Revenue, and Order no. 886, Public, dated 22nd November 1907, and annexure.
- III. Resolution by the Government of Bombay, no. 6633, dated 31st October 1907.
- IV. Endorsements by the Government of Bengal, nos. 1898-1909 A D. dated 14th September 1907, and letters nos 1976-85, A. D., dated 18th September 1907, to Commissioners of Divisions, non-official gentlemen of position, and several associations.
- V. Letters from the Government of the United Provinces, nos. $\frac{1514}{III-410}$ to $\frac{1520}{III-416}$, dated 7th October 1907, and nos. $\frac{1560}{III-416}$ and $\frac{1571}{III-416}$, dated respectively the 10th and 12th October 1907, to several associations, members of the Provincial Legislative Council and other officials and non-officials.
- VI. Letter from the Government of the Punjab, no. 2643-S. (Home—Leg.), dated 27th September 1907, to Commissioners of Divisions, and enclosure.
- VII. Letter from the Government of Burma, no 429-IL-18, dated 16th October 1907, to several associations, Commissioners of Divisions and other officials and non-officials.
- VIII. Resolution by the Government of Eastern Bengal and Assam, no. 10219-C., dated 10th September 1907, and letters from that Government, nos. 11487-91-C., and nos. 11492-C. to 11542-C., dated respectively the 9th and 10th October 1907, to Commissioners of Divisions, associations, district boards, municipalities and some official and non-official gentlemen.
- IX. Letters from the Hon'ble the Chief Commissioner, Central Provinces, nos. 1928-I—15-24 and 1929-I—15-24, dated 13th September 1907, to non-official bodies and Commissioners of Divisions.
- X. Letter from the Government of Madras, no. 222-Public, dated the 13th March 1908, and enclosures, namely :—
 1. Sir V. Bhashyam Aiyangar, Kt., C.I.E., Diwan Bahadur, late Officiating Advocate-General, and retired Judge of the High Court of Judicature, Madras.
 2. M. R. Ry. Diwan Bahadur P. Rajarathna Mudaliyar Avargal, C.I.E., retired Inspector-General of Registration.
 3. The Madras Landholders' Association.
 4. The Madras Chamber of Commerce.
 5. The Corporation of Madras.
 6. The South Indian Landholders and Trades Association, Madura.

7. The Anglo Indian Association of Southern India.
8. The Maharaja of Bobbili.
9. The Raja of Venkatagiri.
10. The Hon'ble Raja Vasudevaraja Valianambidi of Kollengode, Malabar.
11. The Hon'ble Nawab Muhammad Raza Khan, Khan Bahadur, retired Collector, and present Member, Legislative Council.
12. The Hon'ble Mr. M. Krishnan Nayar, High Court Vakil, Member, Legislative Council.
13. The Hon'ble Mr. V. Krishnaswami Aiyar, High Court Vakil, Member, Legislative Council.
14. M. R. Ry. Diwan Bahadur L. A. Govindaraghava Aiyar Avargal, High Court Vakil, ex-Member, Legislative Council.
15. The Hon'ble Mr. C. K. Srinivasa Rao Avargal, High Court Vakil, Member, Legislative Council.
16. M. R. Ry. C. Vijiaraghava Chariar Avargal, ex-Member, Legislative Council.
17. K. C. Dutt, Esq., c.i.e., I.C.S., retired.
18. M. R. Ry. Diwan Bahadur Raghoonatha Rao Avargal, retired Deputy Collector in the Madras Presidency, ex-Minister of Indore.
19. M. R. Ry. Diwan Bahadur A. Venkatramana Poi Avargal, retired District Judge.
20. The Board of Revenue, Madras.
21. The Hon'ble Mr. J. Twigg, I.C.S., Member, Board of Revenue.
22. The Hon'ble Mr. A. G. Bourne, D Sc., F.R.S., Director of Public Instruction.
23. The Hon'ble Mr. J. N. Atkinson, c.s.i., I.C.S., Acting Chief Secretary to Government.
24. The Hon'ble Mr. A. G. Cardew, I.C.S., Secretary to Government, Revenue Department.
25. M. R. Ry. Diwan Bahadur N. Subramanyam, Administrator-General of Madras.
26. H. F. W. Gillman, Esq., I.C.S., Collector of Madura.
 - (1) The Madura District People's Association.
 - (2) R. Fischer, Esq., Proprietor, Madura.
 - (3) The Rev. J. P. Jones, American Mission, Madura.
 - (4) Maulvi Saiyed Abdul Khadar Ibrahim Sahib, Town Khaji, Madura.
27. L. E. Buckley, Esq., I.C.S., Collector of the Nilgiris.
28. J. G. D. Partridge, Esq., I.C.S., Collector of Ganjám.
 - (1) Zamindar of Vijayanagram.
 - (2) Zamindar of Serugada.
 - (3) Raja of Kallekote and Attagada Estates.
 - (4) Zamindar of Dharakota.
 - (5) Zamindar of Bodogodo.
 - (6) Zamindar of Surangai.
 - (7) Parlákimedi Municipality.
 - (8) M. R. Ry. J. Ramayya Pantulu Garu, Deputy Collector, Goomsur Division.
 - (9) M. R. Ry. T. Venkatakrishnayya, High Court Vakil.
29. A. Butterworth, Esq., I.C.S., Collector of Trichinopoly.
 - (1) M. R. Ry. A. Vadachalam Aiyar Avargal, Deputy Collector, Musiri.

- (2) M. R. Ry. T. Dasikachariar Avargal.
30. M. Aziz-ud-din, Khan Sahib, Khan Bahadur, Collector of South Canara.
- (1) M. R. Ry. Diwan Bahadur A. Pinto Avargal, retired Deputy Collector.
- (2) M. R. Ry. D. Anantayya Avargal, retired Deputy Collector.
- (3) M. R. Ry. N. C. Krishna Bhat Avargal, Vakil.
- (4) Muhammad S'Chamnad Sahib, Landholder, Kasargode.
31. R. H. Shipley, Esq., I.C.S., Collector of Coimbatore.
32. R. A. Graham, Esq., I.C.S., Collector of Bellary.
33. S. P. Rice, Esq., I.C.S., Acting Collector of North Arcot.
- (1) Raja of Kálahasti.
- (2) Ajitaraph Kambinayani Javvaji Subbaraju Nayudu, Zamindar of Kangundi.
34. L. M. Wynch, Esq., I.C.S., Collector of Tinnevely, and enclosure.
35. W. Francis, Esq., I.C.S., Collector of Malabar, and enclosure.
36. J. P. Bedford, Esq., I.C.S., Acting Collector of Tanjore.
- (1) G. H. B. Jackson, Esq., I.C.S., Acting Sub-Collector, Kumbakonam.
- (2) M. R. Ry. Rao Sahib T. Raghavayya Pantulu Garu, Personal Assistant, Deputy Collector, Tanjore.
- (3) M. R. Ry. R. Swaminatha Vijaya Tevar Avargal, Zamindar of Pappanad.
- (4) M. R. Ry. V. A. Vandyar Avargal, Pundi,
- (5) M. R. Ry. N. Krishnaswami Aiyangar Avargal, High Court Vakil, Kumbakonam.
- (6) M. R. Ry. K. Chidambaranatha Mudaliyar Avargal, Shiyali.
- (7) M. R. Ry. A. M. Periyaswami Muthia Udayar, Perumpanniyur, Nannilam Taluk.
37. J. A. Cumming, Esq., I.C.S., Collector of Gódvári.
- (1) Raja of Pithápuram.
- (2) Zamindar of Kottam.
- (3) M. R. Ry. Diwan Bahadur D. Seshagiri Rao Garu, Chairman, Coconada Municipality.
- (4) M. R. Ry. M. V. Ratnam Nayudu Garu, High Court Vakil and Landholder Rajahmundry.
- (5) M. R. Ry. G. Lakshmanna Garu, High Court Vakil and Member, District Board, Gódvári.
- (6) M. R. Ry. V. Ramachandra Rao Avargal, Treasury Deputy Collector.
38. F. C. Parsons, Esq., I. C. S., Acting Collector, Vizagapatam.
- (1) M. R. Ry. Diwan Bahadur V. Ananta Rao Pantulu Garu, Audit officer, Vizianagram estate.
- (2) M. R. Ry. K. Ramanuja Chariar, M.A., B.L., Principal, Maharaja's College, Vizianagram
- (3) M. R. Ry. Akella Suryanarayana Rao Pantulu Garu, Government Pleader, Vizagapatam.
39. Memorandum on the scheme of Advisory and Legislative Councils.
- XI. Letter from the Government of Madras, no. 617-L., dated 27th April 1908.
- XII. Letter from the Government of Madras, no. 357, dated 28th April 1908, and enclosures.

XIII. Letter from the Government of Madras, no. 418-Public, dated the 18th May 1908, and enclosures, namely :—

1. The Hon'ble M. R. Ry. Diwan Bahadur R. V. Srinivasiar, c i e, Inspector-General of Registration.
2. The Hon'ble Raja Vairicharla Virabhadra Razu Bahadur Garu, Zamindar of Kurupam.
3. Gulam Muhammad Ali Sahib Bahadur, Prince of Arcot.
4. The Hon'ble Nawab Saiyid Muhammad Sahib Bahadur, Member of the Viceregal Legislative Council.
5. Khan Bahadur Ghulam Muhammad Sahib Bahadur.
6. M. R. Ry. Diwan Bahadur C. Ramachandra Rao Sahib Avargal, High Court Vakil, Madras.
7. The Hon'ble K. R. Guruswami Aiyar, High Court Vakil and Member, Legislative Council, Madras.
8. The Hon'ble B. Narasimheswara Sarma Garu, Member, Legislative Council, Madras.
9. M. R. Ry. K. Venkata Rao, Pleader, Bellary.
10. M. R. Ry. K. P. Raman Menon, High Court Vakil, Calicut.
11. M. R. Ry. J. T. Srinivasagam Pillay, Chairman Tinnevely District Association.
12. The President, Non-caste Dravidian Mahajana Sabha, Madras.
13. E. Scott, Esq., I.C.S., Collector of Anantapur.
 - (1) M. R. Ry. K. V. Srinivasa Aiyangar, Treasury Deputy Collector, Anantapur.
 - (2) Muhammad Bazlullah Sahib Bahadur, Head-quarter, Deputy Collector, Anantapur
 - (3) The Rev. W. H. Campbell, London Mission.
 - (4) M. R. Ry. P. Adimurti Rao Garu, Chairman, Municipal Council, Anantapur.
 - (5) M. R. Ry. Hatti Siva Rao, Pleader, Anantapur.
 - (6) M. R. Ry. P. Kesava Pillai, Pleader, Gooty.
 - (7) M. R. Ry. T. Sivasankaram, Pleader, Penukonda.
14. Cuddapah District—
 - (1) M. R. Ry. N. Narsinga Rao Garu.
 - (2) M. R. Ry. T. M. Narasimha Charlu, Vakil, District Court, Cuddapah.
 - (3) The Rev G. H. Macfarlane.
 - (4) M. R. Ry. N. Venkatramana Rao Garu and M. R. Ry. R. Venkataswami Nayudu Garu, Pleaders and Landholders, Madanapalle.
 - (5) M. R. Ry. T. Vasudeva Rao Garu, Tahsildar of Vayalpad.
 - (6) M. R. Ry. H. Seshagiri Rao Garu, Acting Tahsildar of Jammalamadugu.
 - (7) M. S. A. M. Munjun Miah.
 - (8) The District Forest Officer, Cuddapah.
 - (9) M. R. Ry. V. Ramaswami Aiyar, Treasury Deputy Collector, Cuddapah.
 - (10) M. R. Ry. P. Doraiswami Mudaliyar Avargal, Pleader, Jammalamadugu.
 - (11) M. R. Ry. T. Vijayaraghavachariar, Deputy Collector, Jammalamadugu.
 - (12) M. R. Ry. T. Narayana Reddi Garu, Acting Deputy Collector, Cuddapah.
15. Khan Bahadur Muhammad Khad r Navaz Khan Sahib Bahadur, Collector of Kurnool.
16. Nellore District—
 - (1) M. R. Ry. V. Parthasarathi Chetty Garu, Head-quarters, Deputy Collector, Nellore.

- (2) J. G. Burn, Esq., Acting Sub-Collector, Gudur division.
- (3) The Rev. D. Downie, American Baptist Mission, Nellore.
- (4) M. R. Ry. B. Pattabhi Rama Reddi Garu, Buchireddipallem, Nellore taluk.
- (5) Muhammad Husain Sahib Bahadur, Registrar of Nellore.
- (6) Maulvi Muhammad Assaudin Ahmed Sahib, Kazi of Nellore.
- (7) M. R. Ry. T. V. Venkatrama Aiyar, High Court Vakil and Chairman, Municipal Council, Nellore.

17. P. A. Booty, Esq., I.C.S., Collector of Chingleput.

- (1) The Rev. A. Andrew, United Free Church of Scotland Mission, Chingleput.
- (2) M. R. Ry. P. Ramanuja Chariya Avargal, Chairman, Municipal Council, Chingleput.
- (3) C. Gahan, Esq., Treasury Deputy Collector, Saidapet.
- (4) M. R. Ry. M. V. Narayanaswami Pillai, Deputy Collector, Tiruvallur.
- (5) M. R. Ry. R. B. Bahadur K. Jagannadham Chetti Garu, Chairman, Municipal Council, Conjeeveram.
- (6) M. R. Ry. D. B. Venkatasubba Rao Avargal, Tahsildar of Madurantakam and Zamindar of Chinnakandali, Salem district.
- (7) M. R. Ry. R. S. Visuvasam, Headmaster, United Free Church Mission High School, Conjeeveram.
- (8) The Rev. C. H. Monahan, Superintendent, Wesleyan Mission, Tiruvallur.

18 Salem District—

- (1) M. R. Ry. J. S. Sivagnanam, Deputy Collector, Nammakal.
- (2) M. R. Ry. M. Doraiswami Reddiyar Avargal, Zamindar of Nammakal Estate, Member Taluk Board, Nammakal.
- (3) M. R. Ry. A. Lakshmayya Raju.
- (4) „ M. R. Sambiah Pant, Zamindar of Jagadevi.
- (5) „ V. Nilukanta Mudaliyar, Contractor, Hosur.
- (6) „ U. Venkata Rao, Pleader, Krishnagiri.
- (7) „ K. Seshagiri Rao, Mittadar of Kambanallur.
- (8) Rev. A. Moses, Minister, Tiruppattur.
- (9) M. R. Ry. T. Adinarayana Chettiar.

XIV. Letter from the Government of Madras, no. 428, dated the 22nd May 1908.

XV. Letter from the Government of Madras, no. 605, dated the 28th July 1908.

XVI. Letter from the Government of Madras, no. 681, dated the 22nd August 1908.

XVII. Letter from the Government of Bombay, no. 1768, dated the 26th March 1908, and enclosures, namely :—

- 1. Bombay Millowners' Association.
- 2. Mr. B. S. Shroff, L. M. & S., Bombay.
- 3. Mr. Channamallappa Tenginkai, President, Lingayat Public Meeting, Dhárwar.
- 4. Maharaj Kumar Kristo Dass Law of Calcutta.
- 5. Bombay Presidency National Muhammadan Association.

6. Mr. Gulam Mahomed Munshi (Rajkot).
 7. Honourable Mr. Vithaldas Damodher Thakersey.
 8. Chamber of Commerce, Bombay.
 9. Mr. Vaman Narayen Joglekar, Pleader of Bhusawal
 10. Mr. R. P. Lambert, District Superintendent of Police, East Khándesh.
 11. Certain inhabitants of Ahmednagar.
 12. Anjuman-i-Islam, Bombay.
 13. Certain Lingayats of Hubli.
 14. Certain Lingayats of Dhárwár.
 15. Mr. Kazi Kabiruddin, Barrister-at-Law.
 16. Mr. Janardhan Virbhadrá Pathakji, Jaghirdar of Motavarachha, Surat.
 17. Gujarat Sabha, Ahmedabad.
 18. City Municipality of Ahmednagar.
 19. Honourable Mr. Gokuldas Kahandas Parekh, B.A., LL. B.
 20. Indian Merchants' Chamber and Bureau.
 21. Bombay Presidency Trades Association.
 22. Mr. Bomanji Ardeshir Dalal, Panch Maháls.
 23. Mr. Ram Mohunroy Jaswantraí Desai, Inamdar of Vintoj Hálol, Panch Máhals District.
 24. Joint Report of the Commissioners of Divisions.
 - (1) Note of Dissent by the Commissioner, N. D. (Mr. Atkins).
 - (2) Note of Dissent by the Commissioner, C. D. (Mr. Doderet).
 - (3) Note of Dissent by the Commissioner, S. D. (Mr. Barrow).
 25. Chamber of Commerce, Karáchi.
 26. Jain Young Men's Association, Jaipur,
 27. Rao Bahadur Motilal Chunilal, President, Broach City Municipality.
 28. Honourable Mr. Montagu de Pomeroy Webb, C.I.E., Karáchi.
 29. His Highness Sir Sultan Mahomed Shah, Aga Khan, G.C.I.E.
 30. Commissioner in Sind.
 31. Bombay Presidency Association.
 32. Bombay Municipal Corporation.
 33. Honourable Mr. Ibrahim Rahimtoola, C.I.E.
- XVIII. Letter from the Government of Bengal, no. 1746-A, dated the 29th February 1908, and enclosures, namely :—
1. The Hon'ble Maharaja Dhiraj Bahadur of Burdwan.
 2. The Hon'ble Nawab Bahadur of Murshidabad.
 3. The late Maharaja Sir Jotindra Mohun Tagore Bahadur, K.C.S.I.
 4. His Highness the Maharaja Bahadur of Cooch Behar.
 5. The Hon'ble Maharaja Bahadur of Darbhanga.
 6. The Anglo-Indian Association.

7. Maharaja Sriram Chandra Bhanj Deo of Moharbhaj.
8. Nawab A. F. M. Abdur Rahman.
9. Central National Muhammadan Association.
10. Raja Peary Mohan Mukherji, C.S.I.
11. Bihar Landholders' Association.
12. Bihar Planters' Association.
13. Bengal National Chamber of Commerce.
14. Bhagalpur Landholders' Association.
15. Orissa Association.
16. British Indian Association.
17. Indian Tea Association.
18. Bengal Chamber of Commerce.

XIX. Letter from the Government of Bengal, no. 3977-A, dated the 24th July 1908, and enclosure, namely :—

Letter from the Secretary to the Calcutta Trades Association, dated the 30th June 1908.

XX. Letter from the Government of the United Provinces, no. 447, dated the 16th March 1908, and enclosures, namely :—

1. Draft rules for the discussion of the Financial Statement.
2. Draft Regulations.
3. British Indian Association, Oudh.
4. Landholders' Association for the Province of Agra.
5. Allahabad University.
6. Upper India Chamber of Commerce.
7. Trustees, Muhammadan Anglo-Oriental College, Aligarh.
8. His Highness Maharaja Sir Parbhu Narayan Singh Bahadur, G.C.I.E., of Benares.
9. The Hon'ble Raja Muhammad Ali Muhammad Khan, Khan Bahadur, Taluqdar of Mahmudabad.
10. The Hon'ble Nawab Mumtaz-ud-Daula Sir Muhammad Faiyaz Ali Khan, K.C.I.E., C.S.I., of Pahasu.
11. The Hon'ble Raja Partab Bahadur Singh, C.I.E., of Kila Partabgarh.
12. The Hon'ble Rai Sri Ram Bahadur, C.I.E., Lucknow.
13. The Hon'ble Rai Nihal Chand Bahadur, Landowner, Muzaffarnagar.
14. The Hon'ble Rai Sundar Lal Bahadur, C.I.E., Allahabad.
15. The Hon'ble Munshi Madho Lal, Member, Imperial Legislative Council.
16. Raja Rampal Singh, C.I.E., of Kori Sudauli, Rae Bareilly.
17. The Hon'ble Mr. A. W. Cruickshank, C.S.I., Senior Member, Board of Revenue, United Provinces.
18. H. C. A. Conybeare, Esq., I.C.S., Commissioner of Meerut.
19. A. L. Saunders, Esq., I.C.S., Commissioner of Lucknow.
20. W. R. Partridge, Esq., I.C.S., Commissioner of Gorakhpur.
21. H. V. Lovett, Esq., I.C.S., Commissioner of Benares.

- 22 E. A. Molony, Esq., I.C.S., Collector of Gorakhpur.
23. The Hon'ble Mr. B. Lindsay, I.C.S., Secretary to the Legislative Council and Legal Remembrancer to Government, United Provinces.
24. C. E. Crawford, Esq., I C.S., Collector of Azamgarh.
25. H. T. Morgan, Esq., I.C.S., Collector of Basti.
26. Abdullah ~~ibn~~ Khan Bahadur Yusuf Ali, Esq, Assistant Commissioner, Sultanpur.

XXI. Letter from the Government of the Punjab, no. 40 (Home-Legis), dated the 6th July 1908, and enclosures, namely :—

1. Appendices A—C.
- 1(a). Letter no. 2643-S., dated the 27th September 1907.
2. The Hon'ble Sir W. O Clark, Chief Judge, Chief Court, Punjab.
3. The Hon'ble Mr. Justice P. C. Chatterji, Judge, Chief Court, Punjab.
4. The Hon'ble Mr. Justice F. A. Robertson, Judge, Chief Court, Punjab.
5. Lieutenant-Colonel H. S. P. Davies, Commissioner, Jullundur Division.
6. Major P. S. M. Burton, Deputy Commissioner, Jullundur.
7. T. Miller, Esq, I.C.S., Deputy Commissioner, Kangra.
8. Lala Tek Chand, Deputy Commissioner, Ludhiana.
9. C. H. Atkins, Esq, Deputy Commissioner, Ferozepore.
10. Mr. Ahsan-ul-Haq., Barrister-at-Law, Jullundur City.
11. Pandit Devi Chand, Pleader, Jullundur City.
12. Pandit Amar Singh, Pleader, Jullundur City.
13. Diwan Shadi Ram, B.A. LL.B. (Cantab.), Barrister-at-Law, Ludhiana.
14. Rai Wazir Khan of Bhangala, Hoshiarpur district.
15. Mr Bhagat Ram, Barrister-at-Law, Jullundur City.
16. Rana Lehna Singh of Manaswal, Hoshiarpur district.
17. Rai Bahadur Sham Das, Pleader, Hoshiarpur.
18. Anjuman Islamia, Ludhiana.
19. Tika Ram Narain Singh of Anandpur, Hoshiarpur district.
20. Bhai Arjan Singh, Honorary Magistrate of Bagharian, Ludhiana district.
21. Khan Bahadur Ahmad Shah, Honorary District Judge, 1st Class.
22. Chaudhri Sardar Khan, Extra Assistant Commissioner, Jhang.
23. Bahadur Chand and other Pleaders, Jhang.
24. Lieutenant-Colonel C. M. Dallas, I. A., Political Agent, Phulkian States and Bahawalpur.
25. Khalifa Syed Muhammad Hussain, Member, Council of Regency, Patiala State.
26. Rai Bahadur Ganga Ram, C.I.E., Patiala.
27. The Hon'ble Sirdar Ripudaman Singh, Tikka Sahib of Nabha.
28. M. Rahim Bakhsh, President, Council of Regency, Bahawalpur.
29. J. McC. Douie, Esq., C.S.I., Commissioner, Rawalpindi Division.
30. Major H. S. Fox-Strangways, I. A., Deputy Commissioner, Jhelum.
31. B. N. Bosworth Smith, Esq., Deputy Commissioner, Attock.

32. Diwan Narendra Nath, M. A., Deputy Commissioner, Gujrat.
33. A meeting of representative Muhammadans, Gujrat.
34. Gujrat Bar Association.
35. P. D. Agnew, Esq., I.C.S., Deputy Commissioner, Rawalpindi.
36. Baba Gurbuksh Singh, Bedi of Kallan.
37. { C. Dhanjibhoy.
Adamjee Mamoojee.
Nathu Mull, Banker.
Tansukh Rai Kedar Nath, Bankers.
S. Lukmanji, Adamji and Co.
38. Abdul Ghafur Khan of Zaida, Divisional and Sessions Judge, Jhelum.
39. D. J. Boyd, Esq. (late Deputy Commissioner of Multan).
40. Anjuman-i-Islamia, Multan.
41. Babu Mahendro Nath Banerji, Pleader, Multan.
42. Arya Samajes, Multan.
43. Sri Guru Singh Sabha, Multan.
44. Sukhdeo Bakhsh Multan Chand, Bankers.
45. Makhdum Hassan Bakhsh, Kureshi, K.B.
46. R. B. Hari Chand, Vice-President, Municipal Committee.
47. Tahsildar of Shujabad, submitting opinions in vernacular of some leading zemindars.
48. Sheikh Abdul Haq, Pleader, Vice-President, Municipal Committee, Multan.
49. Sanatan Dharam Sabha, Multan.
50. Chandhri Narayan Singh and Sewa Ram, Zemindars of Shujabad.
51. Executive Committee of Zemindars, Shujabad.
52. G. F. deMontmorency, Esq., I.C.S., Deputy Commissioner, Lyallpur.
53. Lala Sewak Ram, Barrister-at-law, Honorary Magistrate.
54. Lala Anant Ram, Honorary Magistrate, member of Arya Samaj.
55. Resaldar Chiragh Khan, Tiwana, Rais, Chenab Colony.
56. Kabir Khan Kharral, Honorary Magistrate, yeoman grantee, Chenab Colony.
57. Dilbagh Singh, Jat Sikh, Zaildar, Chenab Colony.
58. Shahzad Khan, Kharral of Kamalia, yeoman grantee, Chenab Colony.
59. Sardar Ishar Singh, Jat Sikh, yeoman grantee, Chenab Colony.
60. Saiyid Mehdi Shah, Honorary Magistrate, Rais, Chenab Colony.
61. Sir Thomas Gordon Walker, I.C.S. (lately officiating Lieutenant-Governor, Punjab).
62. The Anjuman Islamia, Hoshiarpur.
63. Major F. Popham Young, C.I.E., Settlement Commissioner, Patiala.
64. Muhammad Fazal Hussan, Government Pensioner and Rais.
65. H. H. the Raja of Nahan (Sirmur).
66. Major C. P. Egerton, I. A., Deputy Commissioner, Hoshiarpur.

67. H. H. the Raja of Chamba.
68. H. H. the Raja of Kapurthala.
69. H. H. the Raja of Jhind.
70. H. H. the Raja of Nabha.
71. The Hon'ble Mr. J. Wilson, C.S.I., Financial Commissioner, Punjab.
72. The Hon'ble Malik Umar Hayat Khan, C.I.E.
73. A. H. Diack, Esq., Settlement Commissioner, Punjab.
74. R. E. Younghusband, Esq., Commissioner, Lahore Division.
75. Captain C. H. Buck, Officiating Deputy Commissioner, Montgomery.
76. Lala Bishen Dass, Extra Assistant Commissioner, Revenue Assistant.
77. Lala Radha Kishen, Pleader and Vice-President, Municipal Committee, Montgomery.
78. Mohammed Amin Khan, Honorary Magistrate and Zamindar.
79. Kamir, Zaildar and Zamindar of Mehrpur.
80. Lieutenant-Colonel O. G. Parsons, I.A., Deputy Commissioner, Lahore.
81. Rai Sahib K. B. Thapar, Lahore.
82. E. W. Parker, Esq., Advocate, Lahore.
83. Mian Mohammed Shah Din, K.B., Barrister-at-Law, Lahore.
84. Bhai Gurdit Singh, Lahore.
85. Rai Sahib Tilok Chand, Sub-Divisional Officer, Kasur.
86. M. Abdul Aziz, Editor, "Observer," Lahore.
87. Mian Mohamed Shafi, Barrister-at-Law, Lahore.
88. Lala Ram Saran Dass of R. B. Mela Ram and Sons, Lahore.
89. Lala Harkishen Lal, Barrister-at-Law, Lahore.
90. Lala Lal Ohand, Pleader, Chief Court, Punjab, Lahore.
91. Nawab Fateh Ali Khan, C.I.E., Lahore.
92. The President, Anjuman Islamia, Punjab, Lahore.
93. Sir David Masson, C.I.E., Lahore.
94. R. S. Narayan Dass, Judge, Small Cause Court, Lahore.
95. Punjab Chamber of Commerce, Delhi.
96. Punjab Hindu Sabha, Lahore.
97. Rai Sahib Mohan Lal, Lahore.
98. Punjab Trades Association, Lahore.
99. Miles Irving, Esq., I.C.S., Deputy Commissioner, Amritsar.
100. Lala Gopal Dass Bhandari, Pleader and Municipal Commissioner, Amritsar.
101. The Anjuman-i-Islamia, Amritsar.
102. The Chief Khalsa Diwan, Amritsar.
103. Sardar Jiwan Singh.
104. Sardar Sunder Singh.
105. Bhai Gurbaksh Singh.
106. Thakur Mahan Chand.

107. Sardar Sher Ahmad Khan, C.I.E.
108. Sardar Lachmi Sahai.
109. Sardar Arur Singh.
110. Sardar Bikram Singh.
111. Major C. Powney Thompson, I.A., Deputy Commissioner, Gurdaspur.
112. Sardar Narain Singh, Zaildar of Singhpura.
113. Anjuman Islamia, Batala, Gurdaspur and Sujanpur.
114. B. Gurdit Singh, B.A., LL.B., Pleader, Gurdaspur.
115. R. Sykes, Esq., C.S., Deputy Commissioner, Sialkot.
116. Lala Mul Chand, Public Prosecutor „
117. Mr. Ganda Singh, Uberoi „
118. Lala Gyan Chand, Honorary Magistrate „
119. Sirdar Shib Deo Singh, Honorary Magistrate.
120. Rai Arjan Dass, Extra Assistant Commissioner.
121. Sheikh Fazal Karim, Extra Assistant Commissioner.
122. Chaudhri Sultan Mohammad, Barrister-at-Law.
123. E. A. Estcourt, Esq., C.S., Deputy Commissioner, Gujranwala.
124. B. Gulab Singh, Arora, Vice-President, Municipal Committee, Gujranwala.
125. Rahim Bakhsh, Revenue Assistant.
126. Karam Elahi, Honorary Magistrate, Ahmadnagar.
127. Chaudhri Hayat Muhammad, Zaildar and Honorary Magistrate, Wazirabad.
128. Khan Dauran Khan, Zaildar, Gujranwala.
129. Lala Nihal Chand, Barrister-at-Law.
130. The Hon'ble Sir Partab Singh of Kapurthala.
131. Major A. E. Barton, Deputy Commissioner, Rohtak.
132. H. E. A. Wakefield, Esq., Deputy Commissioner, Gurgaon.
133. B. T. Gibson, Esq., Settlement Officer, Gurgaon.
134. G. M. Boughey, Esq., Assistant Settlement Officer, Gurgaon.
135. Members of the Bar.
136. Revd. G. W. Hale, B. M. S., Palwal.
137. Lala Ramji Dass, Tahsildar, Nuh.
138. Pundit Badri Pershad, Tahsildar, Ferozepore, and others.
139. Lala Makhan Lal, Honorary Magistrate, Rewari.
140. Muhammad Saraj-ud-din Haider Khan, Jagirdar, Farukhnagar.
141. Municipal Committee, Sohna.
142. Lala Balmokand, Member, Municipal Committee, Sohna.
143. Municipal Committee, Farukhnagar.
144. Municipal Committee, Palwal.
145. Lala Kashi Nath, Tahsildar, Rewari.
146. A. Meredith, Esq., I.C.S. Commissioner, Delhi Division.

147. Captain A. C. Elliott, Deputy Commissioner, Hissar District.
148. Q. Q. Henriques, Esq., I.C.S., Deputy Commissioner, Karnal.
149. W. Malan, Esq., I.C.S., Deputy Commissioner, Simla.
150. Lala Jai Lal, Pleader, Simla.
151. Khan Sahib Fakhur-ud-din.
152. Muhammad Pir Bukhsh, Barrister-at-Law.
153. Nur Muhammad Khan, Pleader, Simla.
154. Major R. M. Lewis, I A., Deputy Commissioner, Ambala.
155. Amballa District Association.
156. Anjuman-i-Islam, Ambala.
157. S. Jiwan Singh, C.S.I., of Shazidpur.
158. S. B. Harnam Singh, Honorary Extra Assistant Commissioner, Kharar.
159. S. Miyan Anrudh Singh, Rais and Honorary Magistrate, Ramgarh.
160. Bawa Harbaksh Singh, Bedi of Rupar.
161. Lala Bishambar Dial.
162. Muhammad Mahmud Ali.
163. R. F. Mitra, Esq., Extra Assistant Commissioner.
164. R. Humphreys, Esq., I.C.S., Deputy Commissioner, Delhi.
165. Anjuman Muayid-ul-Islam, Delhi.
166. R. B. Lala Sheo Pershad, Banker and Honorary Magistrate, Delhi.
167. R. B. Hardhian Singh.
168. Hakim Muhammed Ajmal Khan.
169. Mahomahopadhyaya Pundit Banke Rai, Nawal, Goswami, Delhi.
170. K. B. Ghulam Mohamed Hasan Khan, B.A., Honorary Magistrate, Delhi.
171. Hajee Abdul Ghanee, Delhi, representing the views of the Punjab community of Delhi.
172. R. B. Chaudhri Raghunath Singh.
173. Lala Ishri Pershad, Delhi.
174. Mr. Rajnarain, Barrister-at-Law.
175. Punjab Chamber of Commerce.
176. H. J. Maynard, Esq., I.C.S., Commissioner, Multan Division.
177. M. L. Waring, Esq., I.C.S., Deputy Commissioner, Dera Ghazi Khan.
178. Captain A. J. O'Brien, C.I.E., I.A., Deputy Commissioner, Mianwali.
179. Lala Ganga Ram, District Judge.
180. Lala Kishen Lall, Pleader.
181. M. Sultan Ahmad, Revenue Extra Assistant Commissioner.
182. Lala Barkat Ram, B.A., Delhi.
183. R. T. Clarke, Esq., I.C.S., Deputy Commissioner, Muzafargarh.
184. Muzafargarh Bar :—
 Rajendra Prosad.
 Naunehal Kishan.
 Pyare Lal.

- 185. The Hon'ble Mr. R. E. Younghusband, Commissioner, Lahore Division.
- 186. Captain C. H. Buck, Deputy Commissioner, Montgomery.
- 187. Lieutenant-Colonel C. G. Parsons, Deputy Commissioner, Lahore.
- 188. Miles Irving, Esq., I.C.S., Deputy Commissioner, Amritsar.
- 189. Major C. Powney Thompson, I.C.S., Deputy Commissioner, Gurdaspur.
- 190. E. A. Estcourt, Esq., I.C.S., Deputy Commissioner, Gujranwala.
- 191. J. McC. Donie, Esq., C.S.I., I.C.S., Commissioner, Rawalpindi Division.
- 192. M. W. Fenton, Esq., I.C.S., Officiating Commissioner, Multán Division.

XXII. Letter from the Government of Burma, no. 860-1 L.-6, dated the 24th February 1908, and enclosures, namely :—

- 1 Letter from the Government of Burma, no. 419-1L-15, dated 16th October 1907, to the Chairman, Burma Chamber of Commerce, and certain others.
- 2 Sir J. George Scott, K.C.I.E., Superintendent and Political Officer, Southern Shan States
- 3 The Hon'ble Maung Ba Tu, Member, Imperial Legislative Council.
- 4 The Hon'ble Mr. W. A. Stikeman, Vice-Chairman, Rangoon Port Commissioners and Member of Provincial Legislative Council.
- 5 The Hon'ble Mr. Sydney Roberts, Manager, Bombay-Burma Trading Association.
- 6 J. R. Halliday, Esq., Chairman, Burma Chamber of Commerce.
- 7 B. Houghton, Esq., B.A., C.S., Commissioner, Arakan Division.
- 8 Major W. R. Stone, I.A., Officiating Deputy Commissioner, Akyab.
- 9.

Members of Akyab Municipality.	{	Htoon Chan.
		Ulu Bu.
		J. H. Wilson.
		M. Ahmad.
		W. Orr Orr.
- 10. The Hon'ble Mr. F. C. Gates, C.S.I., I.C.S., Financial Commissioner.
- 11. H. M. S. Mathews, Esq., Officiating Settlement Commissioner.
- 12. N. G. Cholmeley, Esq., B. A., I.C.S., Commissioner, Magwe Division.
- 13. Port Commissioners, Rangoon.
- 14. Rangoon Trades Association.
- 15. Mr. M. Cowasjee, K.I.H., Member, Rangoon Municipality, representing the views of the Rangoon Municipality.
- 16. Mr. Forbes, Rangoon Municipality.
- 17. Dr. Pedley, Rangoon Municipality.
- 18. D. H. R. Twomey, Esq., I C.S., Commissioner, Mandalay Division.
- 19. G. W. Dawson, Esq., I.C.S., Deputy Commissioner, Bhamo.
- 20. E. C. S. George, Esq., I C.S. Deputy Commissioner, Ruby Mines District.
- 21. W. A. Hertz, Esq., Deputy Commissioner, Myitkyina.
- 22. Major F. D. Maxwell, C.I.E., I.A. Commissioner, Irrawaddy Division.
- 23. H. Clayton, Esq., M. A., I.C.S., Deputy Commissioner, Maubin.
- 24. Lieutenant-Colonel F. H. Elliott, I. A., Deputy Commissioner, Bassein.

25. Bassein Municipality.
26. Sub-divisional Officer, Ngathainggyaung.
27. Town Committee, Kyonpyaw.
28. The Hon'ble Mr. H. L. Eales, I.C.S., Commissioner, Pegu Division.
29. Deputy Commissioner, Tharawaddy District.
30. Deputy Commissioner, Pegu District.
31. Deputy Commissioner, Hanthawaddy District.
32. Deputy Commissioner, Rangoon.
33. Honorary Magistrates, Rangoon.
34. Collector of Rangoon.
35. B. S. Carey, Esq., C.I.E., Officiating Commissioner, Mandalay Division.
36. Major D. J. Macnab, on behalf of the leading residents of Mandalay, the Municipal Committee and Upper Burma Bar Association.
37. Statement of alterations proposed in the Regulations relating to the Burma Legislative Council.

XXIII. Letter from the Government of Eastern Bengal and Assam, no. 946-C., dated the 14th March 1908, and enclosures, namely :—

1. Eastern Bengal Landholders' Association.
2. Assam Association, Gauhati.
3. Provincial Muhammadan Association.
4. Indian Tea Association.
5. Indian Tea Association (Assam Branch).
6. „ „ (Surma Valley Branch).
7. Dooars Planters' Association.
8. Chamber of Commerce, Narayanganj.
9. „ „ Chittagong.
10. Port Commissioners, Chittagong.
11. W. B. Brown, Esq., I.C.S., Judge of the Assam Valley Districts.
12. E. G. Drake-Brockman, Esq., District Judge of Dacca.
13. A. H. Cuming, Esq., I.C.S., District and Sessions Judge, Tippera.
14. B. K. Mullick, Esq., I.C.S., District and Sessions Judge, Chittagong.
15. Abdul Majid, Esq., District and Sessions Judge, Rajshahi.
16. H. Luson, Esq., Commissioner, Chittagong Division.
17. F. C. Henniker, Esq., I.C.S., Officiating Commissioner, Rajshahi Division.
18. F. W. Strong, Esq., I.C.S., Collector, Dinajpur.
19. J. F. Gruning, Esq., I.C.S., Deputy Commissioner, Jalpaiguri.
20. S. C. Mukherjee, Esq., I.C.S., Collector, Pabna.
21. The Hon'ble Mr. J. C. Arbuthnott, C.I.E., I.C.S., Commissioner, Surma Valley and Hill Districts and Member, Legislative Council.
22. H. A. Colquhoun, Esq., I.C.S., Deputy Commissioner, Sylhet.
23. F. C. French, Esq., I.C.S., „ „ Cachar.
24. Babu Hari Charan Dass, Government Pleader, Cachar.
25. Maulvi Syed Abdul Majid, B. L., Chairman, Sylhet Municipality.
26. Major H. W. G. Cole, Superintendent, Lushai Hills.

27. Dabu Kamini Kumar Chanda, M.A., B.L., Vakil, High Court, Silchar.
28. F. J. Monahan, Esq., I.C.S., Commissioner, Assam Valley Districts.
29. Babu Manick Chandra Barua, Gauhati.
30. Major D. Herbert, I.A., Deputy Commissioner, Kamrup.
31. A. W. Botham, Esq., I.C.S., Deputy Commissioner, Sibsagar.
32. Lieutenant-Colonel Albert E. Woods, I.A., Deputy Commissioner, Lakhimpur.
33. Major H. M. Halliday, I.A., Deputy Commissioner, Darrang.
34. Khan Bahadur Muhammad Ali Nawab, Zamindar, Tippera.
35. Bar Library, Barisal.
36. District Board, Dacca.
37. „ „ Mymensingh.
38. „ „ Backerganj.
39. „ „ Chittagong.
40. „ „ Noakhali.
41. „ „ Rangpur.
42. „ „ Dinajpur.
43. „ „ Tippera.
44. Rangpur Municipality.
45. Khan Bahadur Khajeh Muhammad Yusuf, Chairman, Dacca Municipality.
46. Maulvi Mahib-ud-din Ahmad and five other Municipal Commissioners.
47. Babu Sarat Chandra Chakravarti and two other Municipal Commissioners.
48. Narayanganj Municipality.
49. Barisal Municipality.
50. Mymensingh Municipality.
51. Rampur Boalia Municipality.
52. Chittagong Municipality.
53. Gauhati Municipality.
54. The Hon'ble Mr. H. W. Savage, C.S.I., I.C.S., First Member, Board of Revenue.
55. The Hon'ble Mr. C. R. Marindin, I.C.S., Secretary to the Board of Revenue.
56. The Hon'ble Nawab Khwaja Salimullah Bahadur, C.S.I., of Dacca.
57. The Hon'ble Maharaja Girija Nath Roy Bahadur of Dinajpur.
58. Robert H. Henderson, Esq.,
59. The Hon'ble Rai Dulal Chandra Deb, Bahadur.
60. The Hon'ble Rai Sita Nath Roy, Bahadur.
61. Syed Nawab Ali Chaudhuri.
62. The Hon'ble Khwaja Muhammad Asghar, Member of the Provincial Legislative Council.
63. The Hon'ble Mr. V. Woods, Agent, Assam-Bengal Railway.
64. The Hon'ble Mr. W. Teunon, I.C.S., Officiating Legal Remembrancer.
65. The Hon'ble Mr. W. T. Cathcart.
66. Dinajpur Municipality.
67. Bengal Chamber of Commerce.

68. J. E. Webster, Esq., I.C.S., Judicial Secretary to Government.
69. L. O. Clarke, Esq., I.C.S., Collector of Mymensingh.
70. H. LeMesurier, Esq., C.I.E., Commissioner of Dacca Division.
71. R. B. Hughes-Buller, Esq., I.C.S., Collector of Bakarganj.
72. B. C. Allen, Esq., I.C.S., Collector of Dacca.
73. J. Donald, Esq., I.C.S., Collector, Faridpur.
74. Babu Suresh Chandra Singha, Sub-Divisional Officer of Munshiganj.
75. Faridpur Municipality.
76. Bar Library, Dacca.
77. Maulvi Hemayet-ud-din Ahmed, Pleader, Barisal.
78. Rai Jogendra Kishore Rai Chaudhry, Bahadur.
79. Babu Jagat Kishore Acharjee Chaudhry, Zamindar, Muktagacha.
80. Babu Anath Bandhu Guha, B.L.
81. Rai Parvati Sankar Chaudhury of Teesta, District Dacca.
82. Maulvi Muhammad Ismail, B.L., Mymensingh.
83. Bar Library, Sylhet.

XXIV. Letter from the Hon'ble the Chief Commissioner, Central Provinces, no. $\frac{1285}{1-15-2}$, dated the 18th June 1908, and enclosures, namely :—

1. Note by the Chief Commissioner on the Government of India proposals regarding the Legislative and Advisory Councils.
2. Anjuman Islamia, Jubbulpore.
3. M. W. Fox Strangways, Esq., I.C.S., Commissioner, Jubbulpore Division.
4. H. A. Crump, Esq., I.C.S., Commissioner, Nerbudda Division.
5. Anjuman-i-Hami-e-Islam, Nagpur.
6. Rao Bahadur R. N. Mudholkar, B.A., LL.B., Advocate, Amraoti.
7. Malguzari Sabha, Jubbulpore.
8. B. Robertson, Esq., C.I.E., I.C.S., Commissioner, Berar.
9. F. A. T. Phillips, Esq., I.C.S., Commissioner, Chattisgarh Division.
10. J. Walker, Esq., C.I.E., I.C.S., Offg. Commissioner, Nagpur Division.
11. A. B. Napier, Esq., I.C.S., Deputy Commissioner, Nagpur.

XXV. Letter from the Honorary Secretaries, Mahajana Sabha, Madras, dated 25th February 1908.

XXVI. Memorandum by the All-India Muslim League, dated Aligarh, the 24th March 1908.

XXVII. Letter from Colonel Abdul Majid Khan, Honorary General Secretary, All-India Rajput Conference, dated Patiala, the 15th May 1908.

XXVIII. Resolutions passed at the second United Provinces Conference held at Lucknow on the 2nd March 1908.

XXIX. Letter from R. C. Dutt, Esq., C.I.E., Member of the Decentralization Commission, dated the 11th and 26th March 1908, and annexure.

XXX. Memorandum by the Hon'ble Mr. G. K. Gokhale, C.I.E.

No.

1908.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

PUBLIC.

NO. 21, DATED SIMLA, THE 1ST OCTOBER
1908.

(C o p y .)

LETTER TO HIS MAJESTY'S SECRETARY OF
STATE FOR INDIA.

SUBJECT.

COMMUNICATES the views of the Government
of India on the subject of Councils reforms.

G. C. B. P., Simla.—No C115 H. D.—2-10-08.—70.—H.A.W

Viceroy to Secretary of State.

P * Telegram, 5th October 1908, 1-10 a. m. (Despd. for Home Dept.)

Despatch on Councils Reform.—The following is the substance of the Despatch:—In the opening paragraphs the history of the scheme and its reception by the Indian public is sketched. The proposals are then taken in order. Unfavourable reception has been given in British India to an Imperial Advisory Council and the Chiefs, and nearly all the Political Officers consulted are opposed to a Council of mixed composition. It is therefore proposed to have a Council consisting only of Ruling Chiefs to be appointed by the Viceroy to hold office during his pleasure and to be consulted individually or collectively on such subjects as he may refer to them. The exact strength of this Council has not been fixed, but it is to be limited to such a number as is appropriate in view of claims and traditions that have to be considered.

Provincial Advisory Councils All Local Governments, except Madras, favour the idea of these and make various proposals. General approval also is given by non-official opinion to their creation mainly in order to facilitate public discussion of administrative questions. This demand will be met by our proposals regarding Legislative Councils. We think however that small consultative bodies comprising the best minds in a province will be of value, and we recommend that Local Governments should be empowered to appoint Councils of this kind, but not compelled to do so, the number of members being fixed in each case with the approval of the Government of India.

The most important features of our scheme are by far the proposals regarding Legislative Councils. We recommend an Imperial Legislative Council of 62 members (excluding the Viceroy)—31 officials: 8 *ex-officio*, 8 representing provinces, and 15 others, and 31 non-officials, of whom 28 would be elected, 12 by professional middle class, 7 by landholders, 5 by Mahommedans, 2 by European commerce and 2 by Indian commerce. Three nominated seats are reserved for minorities, special interests, or experts. The full strength of the Council would be 62, and in the event of an equal division between officials and non-officials the Viceroy's vote would turn the scale. On ordinary occasions however we propose to dispense with an official majority and to appoint only as many officials as are required, with the support of a certain number of non-officials, to carry on the work of legislation. In the more important provinces of Madras, Bombay, Bengal and the United Provinces we propose Legislative Councils consisting (exclusive of the Governor or Lieutenant-Governor) of 46 members—23 officials and 23 non-officials, of whom 19 or 20 would be elected and 3 or 4 nominated to represent special

interests or minorities or as experts. The allotment of elected members is as follows:—

Madras, 19 : elected by Municipalities and District Boards 8, Presidency Corporation 1, University 1, landholders 4, planting community 1, Mahomedans 2, Chamber of Commerce 1, Indian commercial community 1.

Bombay 20 : elected by Municipalities and District Boards 8, Presidency Corporation 1, University 1, landholders 3, Mahomedans 3, Bombay Chamber of Commerce 1, Karachi Chamber of Commerce 1, Mill-owners' Associations of Bombay and Karachi alternatively 1, Indian commercial community 1.

Bengal 20 : elected by Municipalities and District Boards 8, Presidency Corporation 1, University 1, landholders 4, planting community 1, Mahomedans 2, Chamber of Commerce 1, Calcutta Trades' Association 1, Indian commercial community 1.

United Provinces 19 : elected by larger Municipalities 2, District Boards and smaller Municipalities 8, University 1, landholders 2, Mahomedans 4, Upper India Chamber of Commerce 1, Indian commercial community 1.

For Eastern Bengal and Assam we propose a Council consisting (excluding the Lieutenant-Governor) of 36 members : 18 officials and 18 non-officials, of the latter 3 to be nominated to represent special interests or minorities, or as experts, and 15 elected, by Districts Boards and Municipalities 8, landholders 2, Mahomedans 2, tea interest 1, jute interest 1, Commissioners of Chittagong Port 1.

In the Punjab the Council would consist (excluding the Lieutenant-Governor) of 24 members : 12 officials and 12 non-officials. Of the latter, 7 would be nominated—2 Mahomedans, 1 Hindu, 1 Sikh and three others, and 5 elected—1 by the commercial community, 1 by the University, and 3 by the larger cities.

The conditions of Burma are peculiar and the only body capable of electing a representative is the Chamber of Commerce. We therefore propose a Council of 16 (excluding the Lieutenant-Governor) : 8 officials and 8 non-officials—7 nominated, to represent Burmese 4, Indian and Chinese Commerce 2, other interests 1, and 1 elected by the Burma Chamber of Commerce.

The foregoing figures give the Councils in full strength, but it is intended, as in the case of the Imperial Council, to dispense, on all ordinary occasions, with official majorities. The Despatch goes on to propose that in all Legislative Councils members should be given by Statute power to move resolutions in the form of recommendations to the Government on matters of general public importance, subject to restriction that no resolution should of itself be binding on the Government, and that the President should have power to disallow any resolution as being contrary to public policy or otherwise inexpedient, and to control the course of business. Certain classes of subjects would be excluded

and some limitation would be placed upon the time allotted to discussion of resolutions. The existing right of asking questions would be maintained unaltered and extended to the Legislative Councils of Punjab and Burma.

Imperial Budget.—As regards this, we propose that the financial statement should be presented during the last days of February and discussed by heads in a Committee of the whole Council, the discussion to be completed on or before the 10th March. Members would have power to move resolutions in form of recommendations to Government and to divide the Council, but Government would not be bound to take action on any resolution. The final Budget would be presented four weeks later; and the Government would then explain why a resolution carried in Committee had not been accepted. A general debate would follow, but no further resolutions would be admissible. With necessary adaptations, the Provincial Budgets would be dealt with on similar lines.

In conclusion we describe the scheme as an attempt to give India a constitution, and we express the hope that it will unite in her common service all those who have her highest interests at heart, and that it will tend to associate the people of India with the Government in both legislation and administration. We further observe that, if experience shows that the scheme throws a greater burden on the heads of Local Governments than they can conveniently bear, it may have to be considered in the future whether a remedy cannot be found by creating Executive Councils in the larger provinces under Lieutenant-Governors and enlarging those in Madras and Bombay. This large question will require much fuller consideration and consultation with the heads of provinces concerned, and we think it would be premature at present to discuss it.

PRESIDENT'S
SECRETARIAT
LIBRARY